

laws; providing a savings clause; and declaring an emergency."

The bill was read second time.

Senator Stanford moved that the bill be laid on the table subject to call.

The motion was lost by the following vote:

Yeas—5

Kelly of Tarrant	Tynan
Phillips	Vick
Stanford	

Nays—19

Aikin	Knight
Brown	Lane
Bullock	Moffett
Chadick	Morris
Cousins	Parrish
Crawford	Proffer
Hardeman	Strauss
Harris	Winfield
Hazlewood	York
Kelley of Hidalgo	

Absent

Carnev	Stewart
Jones	Taylor
Ramsey	Weinert

The bill was passed to third reading.

House Bill 632 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 632 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Proffer
Crawford	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Winfield
Kelley of Hidalgo	York

Nays—4

Kelly of Tarrant	Stanford
Phillips	Vick

Absent

Jones	Stewart
Ramsey	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Lane
Bullock	Moffett
Chadick	Morris
Cousins	Parrish
Crawford	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Winfield
Knight	York

Nays—4

Kelly of Tarrant	Stanford
Phillips	Vick

Absent

Brown	Ramsey
Carney	Stewart
Jones	Weinert

Adjournment

On motion of Senator Harris, the Senate, at 12:00 o'clock p. m., adjourned until 12:05 a. m., Thursday, June 5, 1947.

SEVENTY-NINTH DAY

(Thursday, June 5, 1947)

The Senate met at 12:05 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators answered to their names:

Aikin	Parrish
Bullock	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Moffett	York

The President announced that there was not a quorum present.

Recess

On motion of Senator Aikin, the Senate, at 12:25 o'clock a. m., took recess to 9:30 o'clock a. m. today.

After Recess

The Senate met at 9:30 o'clock a. m., and was called to order by the President.

The Secretary was directed to call the roll and the following Senators answered to their names:

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

Senate Concurrent Resolution 56

Senator Proffer offered the following resolution:

S. C. R. No. 56, Designating the 7th of March each year as Friendship Day.

Whereas, It is the belief of the Federated Club Women of Texas that the observance of Friendship Day would be a force for good in this troubled world and would afford a splendid opportunity for individuals, organizations and nations to work together for a betterment of all peoples, and

Whereas, It was Miss Eleanor Brackenridge, a pioneer clubwoman and philanthropist who gave the world the idea of observing one day each year as Friendship Day and expressed the hope that her birthday, March 7th be the day chosen, and

Whereas, The observance of Friendship Day has been endorsed by the Texas Federation of Women's Clubs, the Fifth District and the Woman's

Club of San Antonio, now, therefore, Be It Resolved, By the Senate of Texas, the House of Representatives concurring, that the 7th of March in each year, be designated as Friendship Day in Texas, in memory of Miss Eleanor Brackenridge.

The resolution was read.

On motion of Senator Proffer, and by unanimous consent, the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 179, Suspending the 24 hour rule so that each House may take up and consider any bill.

S. B. No. 215, Amending Article 2844a, Section 1, Revised Civil Statutes, 1925, as amended by Acts of 1937, 45th Legislature, page 329, Chapter 167, Section 1, providing for the adoption of a multiple list of textbooks for use in the public high schools of the state on the subject of Driver Education; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts; and declaring an emergency. (With amendment.)

S. B. No. 410, A bill to be entitled "An Act giving to Roy Parchman and wife, Dovie Parchman, consent of the Legislature to sue the State of Texas, Texas State Highway Department and/or Texas State Highway Commission for the alleged taking of their lands and crops for public use by the Texas State Highway Department and for damages to their crops and 39 acres of land, more or less, situated in Franklin County, Texas, allegedly resulting from the construction of State Highway Number 1, U. S. Highway Number 67, its subsequent maintenance, and the changes made in pre-existing water drainage facilities, which highway runs through Franklin County, Texas; providing that suit may be brought in a court of competent jurisdiction in Franklin

County, Texas; providing a savings clause; providing for service of process; and declaring an emergency."

S. B. No. 428, Adopting "central standard time" as standard time in this State, and declaring an emergency.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 130

(Providing for Delinquent Tax Code Committee)

Senator Morris offered the following resolution:

Be it resolved by the Senate of Texas: The Governor of the State of Texas is hereby requested to appoint a committee of not less than three nor more than five persons, to be known as the Delinquent Tax Code Committee. He shall designate one of the members as chairman thereof.

It shall be the duty of the Committee to make a study of the collection of ad valorem taxes and particularly of delinquent ad valorem taxes due the State, as well as all other tax collecting entities within the State, and the laws pertaining to the collection of such taxes.

The Committee shall prepare a delinquent tax code for the State and all other tax collecting entities. The code shall be prepared in such form as to supersede the various modes and procedures for collecting such taxes now provided by law, to the end that a uniform, simplified method of collection may be offered to the Legislature for enactment into law, if the Legislature so determines and desires.

The members of such Committee shall be residents of the State of Texas and citizens of these United States, and may or may not be public officials or employees. They shall receive no salary or compensation as members of such committee.

It shall be the duty of all public officials to furnish the Committee all available information which it may desire.

The Attorney General is requested to furnish the Committee with such legal assistance as it may require, and the State Auditor and State Comptroller are requested to assist the Committee in such ways as the Committee may deem necessary.

The Committee shall file its report

at such time as the Governor may direct.

Should the Legislature make appropriation to pay the expenses of such Committee and for the employment of clerical assistance therefor, such expense may be paid from such appropriation.

The resolution was read.

Senator Morris asked unanimous consent to consider the resolution immediately.

The President announced that there was objection.

Senator Morris then moved to suspend the regular order of business to consider the resolution at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Morris
Bullock	Parrish
Chadick	Proffer
Hazlewood	Stanford
Jones	Stewart
Kelley of Hidalgo	Tynan
Knight	Vick
Lane	Weinert
Moffett	

Nays—9

Carney	Phillips
Cousins	Strauss
Hardeman	Winfield
Harris	York
Kelly of Tarrant	

Absent

Brown	Ramsey
Crawford	Taylor

Senate Bill 443 on First Reading

By unanimous consent, the following bill was introduced, read, and referred to the Committee on State Affairs:

By Senator Harris:

S. B. No. 443, A bill to be entitled "An Act to amend Section 6 of Chapter 355 of the Acts of the 49th Legislature of the State of Texas donating and granting to the Dallas County Flood Control District all of the net amounts of annual current, State ad valorem taxes that may be collected from the property and from

the persons within the boundaries of said District, including rolling stock belonging to railway companies, for a period of twenty (20) years commencing September 1, 1945, because of great public calamities occurring in the County of Dallas and the City of Dallas by the flood waters of the Trinity River which seriously threaten properties in said county and city, prescribing the provisions and conditions under which such donation and grant shall be made; providing that the monies hereby donated and granted shall be trust funds for the purpose of maintaining, operating, and repairing the levees, pumping stations, and drainage ditches now located in said District in cooperation with the City and County of Dallas Levee Improvement District; and declaring an emergency."

Senate Resolution 131

(Permanent Senate Rules)

Senator Harris offered the following resolution:

Resolved that the Rules of the Senate of the 49th Legislature, with the changes therein hereinafter set forth, are hereby adopted as the permanent Rules of the Senate of the 50th Legislature, to become effective on the 6th day of June at 12 o'clock m.

The changes are as follows:

(1)

The second paragraph of Rule 4 is changed to read as follows:

"It shall be in order to move a call of the Senate at any time to secure, to maintain, or to secure and maintain a quorum for either of the following purposes:"

(2)

The first five lines of the first paragraph of Rule 8 are changed to read as follows:

"8. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain, and such other".

(3)

The following paragraph is added to Rule 12:

"It shall not be in order during the morning call to move to take up a bill or resolution out of its regular order; and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule."

(4)

Rule 15 is changed to read as follows:

"Any bill, resolution or other measure may, on any day, be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present, but not more than one special order may be set for any one calendar day."

(5)

Rule 17 is changed to read as follows:

"17. When a Senator is about to speak in debate or to communicate any matter to the Senate, he shall rise in his place and address the President, and shall confine his speech to the question or subject before the Senate for immediate consideration."

(6)

Rule 26 is changed to read as follows:

"26. When a question is under consideration by the Senate no motion shall be in order except:

"1. To fix the day to which the Senate shall adjourn or recess.

"2. To adjourn or recess.

"3. To proceed to the transaction of executive business the set time for the consideration of which has arrived.

"4. The previous question.

"5. To lay on the table.

"6. To lay on the table subject to call.

"7. To postpone to a time certain.

"8. To commit.

"9. To amend.

"10. To postpone indefinitely.

"Which several motions shall have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken; but the votes shall be taken on all such motions made in the order of the precedence above stated."

(7)

Rule 38 is changed to read as follows:

"38. Every general bill reported favorably shall be printed unless the Senate, on the same day it is reported or on the next legislative day, shall order it not printed. Each local bill shall be printed unless the committee reporting it recommends that it be not printed, in which case the committee's recommendation shall be effective as an order of the Senate that the bill be not printed. Copies of all

bills printed shall be placed on the desks of Senators on the same day the printed copies are delivered by the printer. No bills except local bills and except general bills that have been ordered not printed by the Senate shall be considered by the Senate until a printed copy thereof has been on the desk of each Senator at least twenty-four hours. Motions that bills be not printed are privileged when there is no other matter pending before the Senate."

(8)

Rule 42 is changed to omit the last clause, reading as follows:

"and any amendment which is in effect a substitute shall be considered a substitute bill."

(9)

Rule 44 is changed to read as follows:

"Senate resolutions, when introduced, may, by a majority vote, be considered immediately. Concurrent and joint resolutions shall be referred to an appropriate committee when introduced and shall not be immediately considered unless the Senate so directs by a two-thirds vote of the members present."

(10)

Rule 56 is changed to read as follows:

"56. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed. Bills and resolutions shall be considered on second reading and shall be listed on the daily calendars of bills and resolutions on the President's table for second reading in the order in which the Committee reports on them are submitted to the Senate."

(11)

Rule 61 is changed to read as follows:

"61. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 60 to make it;

and the maker of the motion may accompany it with a request that it be spread on the Journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the Journal is not called up to be acted on by the Senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon; and any such motion that has been made during the last six days of the session that has not been called up before the final twenty-four hours of the session shall thereafter be called up or acted upon by the Senate. In all cases a motion to reconsider shall be decided by a majority of the vote."

(12)

Rule 77 is changed to omit the proviso following subdivision (23) of the Rule.

(13)

Rule 90 is changed by adding thereto the following:

"but the final result of the Senate's action on each nomination and the complete yea-and-nay vote by which that action was taken shall be reported by the Secretary to the Journal Clerk and published in the Journal as provided for in Rule 96."

(14)

Rule 99 is changed by the omission therefrom of paragraphs 2 and 3 of part (2) and the last sentence of paragraph 4 of part (2) of said rule.

The resolution was read.

Senator Brown offered the following amendment to the resolution:

Amend the resolution by adding at the end thereof the following:

(15)

Rule 9 is changed to read as follows:

"9. The doors of the Senate gallery shall be kept open when the Senate is in session."

(16)

Rule 87 is changed to read as follows:

"87. Nominations shall be acted on in open session only."

(17)

Rule 89 is changed to read as follows:

"89. Nominations of the Governor or of any other officer or agency shall be acted upon by the Senate in open session."

(18)

Rule 90 is changed to read as follows:

"90. All proceedings had by the Senate with respect to the confirmation or rejection of a nomination shall be published in the Journal."

(19)

Rule 91 is changed to read as follows:

"91. All votes by which any nomination is confirmed or rejected shall be published in the Journal."

(20)

Rule 94, line 2 is changed to read as follows:

"Committee of the whole, shall"

(21)

Rule 96 is changed to read as follows:

"96. The proceedings of the Senate when acting upon nominations of the Governor or of any other officer or agency authorized to make a nomination which the Senate is authorized to confirm or reject shall be in open session and shall be placed upon the Senate Journal, and the results of such proceedings shall be reported

promptly by the Secretary to the Governor."

Question—Shall the amendment be adopted?

Senate Resolution 132

(Extending Welcome to Students of Carthage High School.)

Senator Lane offered the following resolution:

Whereas, A group of students from Carthage High School of Carthage, Panola County, Texas, together with their teachers are now visitors in the City of Austin, and

Whereas, This group is now present in the Senate gallery as guests of the Senate, and it is the desire of the Senate to recognize their presence; now therefore, be it

Resolved, By the Senate, that we extend to them a hearty welcome and that a copy of this resolution, under seal of the Senate, be forwarded to the Carthage High School.

The resolution was adopted.

Report of Conference Committee on House Bill 831

Senator Chadick submitted the following report:

Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 831, have met and had same under consideration and recommend that House Bill No. 831 be passed in the form attached hereto.

Respectfully submitted,

CHADICK

STRAUSS

MORRIS

HARDEMAN

On the Part of the Senate.

COLSON

HEFLIN

WALKER

LEHMAN

On the Part of the House.

H. B. No. 831

By: Colson

A BILL

To Be Entitled

"An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and Attorney General;

provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to be paid out of the General Revenue Fund or such other funds as may be designated herein for each item not otherwise appropriated, to pay miscellaneous claims against the State of Texas as herein enumerated.

Subsection A. There are hereby appropriated out of the General Revenue Fund the following amounts:

To pay Mrs. Laura Childs, Arlington, Virginia, for reimbursement of State Taxes paid through mistake of fact on property claimed as a homestead	\$ 30.44
To pay Oil Development Company of Texas, Amarillo, Texas, as refund for taxes paid twice on property, due to mistake of fact	23.99
To pay Miss Pennie Bell Adams, Briggs, Texas, as refund of payment made for lost State Library book later found and returned	1.59
To pay Ethel G. Preston, Del Rio, Texas, as refund of payment made for lost State Library books later found and returned	4.88
To pay Mrs. Janie Conner, Hamilton, Texas, for reimbursement of Motor Carrier taxes paid through mistake of fact	290.60
To pay G. W. Cleveland, Postoak, Jack County, Texas, as refund of State Ad Valorem taxes, penalty and interest paid through mistake of fact	89.94
To pay Guaranty Loan and Investment Company, Beaumont, Texas, as refund of excess filing fee erroneously paid	100.00
To pay Sam L. Kone, San Antonio, Texas, as refund on tax paid on gasoline used for agricultural purposes	392.60
To pay Arrow Realty and Investment Company, Brownsville, Texas, as refund of franchise taxes and penalties paid by reason of a mistake of fact	410.95
To pay Mrs. Helen McVey Kelly, Kilgore, Texas, as refund for overpayment of inheritance tax due to overvaluation of estate	357.76
To pay Claude Tatum, Lubbock, Texas, as refund for overpayment of inheritance tax due to overvaluation of property ..	1,561.46
To pay Standard Oil Company of Louisiana, Baton Rouge, Louisiana, as refund of overcharge on pipe purchased from Texas Prison System	279.09
To pay Jack Crabtree, Houston, Texas, as refund of General Agents State Occupation tax erroneously collected	25.00
To pay Arnold E. Wittman, Austin, Texas, as salary due and unpaid as Director School Plant Division, State Department of Education, from January 1, 1947, to February 12, 1947	365.62
To pay James C. Taylor, Austin, Texas, as salary due and unpaid as Clerk, School Plant Division, State Department of Education, from January 1, 1947, to February 12, 1947	110.61
To pay John E. Dailey, Austin, Texas, as salary due and unpaid as Clerk, School Plant Division, State Department of Education, from January 1, 1947, to February 12, 1947	69.63
To pay Joan W. Sanders, Austin, Texas, as salary due and unpaid as Stenographer, School Plant Division, State Department of Education, from January 1, 1947, to February 12, 1947	180.23

To pay M. F. Thurmond, Austin, Texas, as salary due and unpaid as Director, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	365.62
To pay Sarah L. Terry, Austin, Texas, as salary due and unpaid as Clerk, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	92.57
To pay Edwin J. Nelson, Austin, Texas, as salary due and unpaid as Accountant, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	238.45
To pay Kathryn Raatz, Austin, Texas, as salary due and unpaid as Secretary, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	200.20
To pay Julia C. Wilson, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	180.23
To pay Jean Botsford, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	180.23
To pay Martha Dye, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947	180.23
To pay Georgena Whiteford, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947 ..	180.23
To pay Mary C. McKinley, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947 .	180.23
To pay Alice E. Frazer, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, State Department of Education, from January 1, 1947, to February 12, 1947 .	180.23
To pay Ruth Lanford, Austin, Texas, as salary due and unpaid as Stenographer, School Lunch Division, Department of Education, from January 1, 1947, to February 12, 1947	73.20
To pay Walker F. Agnew, Austin, Texas, as salary due and unpaid as Clerk, School Lunch Division, State Department of Education, for the month of January, 1947	35.67
To pay Joseph B. Dibrell, Austin, Texas, as salary due and unpaid as Clerk, School Lunch Division, State Department of Education, for the month of January, 1947	23.05
To pay Texas Mechanical Candy Sales Company, Brownwood, Texas, for reimbursement of Vending Machine tax paid under duress	697.59
To pay Consolidated Vultee Aircraft Corporation, San Diego, California, as refund of overpayment of franchise taxes and penalties made by mistake	1,889.00
To pay Maxwell Drilling Company, Coleman, Texas, as refund of overpayment of franchise tax made under a mistake of fact ..	9.00
To pay Why Not Oil Company, Mexia, Texas, as refund of overpayment of franchise tax made under a mistake of fact	116.36
To pay Panhandle Lumber Company, Incorporated, Fort Worth, Texas, as refund of overpayment of franchise tax made under a mistake of fact	130.00
To pay Yardley of London, Incorporated, Union City, New Jersey, as refund of overpayment of franchise tax made under a mistake of fact	45.00

To pay Penicillin Research Center, Dallas, Texas, as refund of overpayment of franchise tax made under a mistake of fact	20.00
To pay Zale Jewelry Company of Borger, Texas, as refund of of overpayment of franchise tax made under a mistake of fact ..	5.00
To pay Elsa Supply Company, Incorporated, Elsa, Texas, as refund of overpayment of franchise tax made under a mistake of fact	75.00
To pay Judge James P. Hart, Austin, Texas, for services rendered as Special Judge of the 53rd Judicial District of Texas	410.70
To pay Sam B. Crow, Fort Worth, Texas, as refund of fees collected as Clerk of Court of Civil Appeals for 2nd Supreme Judicial District of Texas, and erroneously paid into State Treasury	1,074.75
To pay Dan Childress, Eastland, Texas, as refund of fees collected as Clerk of Court of Civil Appeals for 11th Supreme Judicial District of Texas, and erroneously paid into State Treasury	1,823.00
To pay Robert L. Cook, San Antonio, Texas, as refund of fees collected as Clerk of Court of Civil Appeals for 4th Supreme Judicial District of Texas, and erroneously paid into State Treasury	2,467.45
To pay Coy E. Dillard, Rocksprings, Texas, as refund for erroneous payment of gross receipts tax	202.09
To pay Vapo Gas Fuel Company, San Antonio, Texas, as refund for erroneous payment of gross receipts tax	179.94
To pay Second National Bank of Houston, Houston, Texas, as refund for overcharge of interest made under an error of fact ..	115.07
To pay Mayfield Company, Incorporated, Tyler, Texas, as refund for taxes paid twice on the same property, due to a mistake of fact	165.33
To pay White Investment Company, Wichita Falls, Texas, as refund of property taxes paid upon erroneous assessment	38.77
To pay A. W. Moseley, Reno, Nevada, as refund for State Occupation Tax as a real estate broker, paid under implied duress	7.50
To pay Consolidated Millinery Company, Chicago, Illinois, as refund of chain store tax erroneously paid	250.50
To pay Mutual Boiler Insurance Company of Boston, Massachusetts, as refund for overpayment of premium tax	5.57
To pay Houston Fire and Casualty Insurance Company, Fort Worth, Texas, as refund of overpayment of premium tax	695.46
To pay the following persons the following amounts opposite their names and addresses for losses sustained in compliance with the Texas Pink Bollworm Law and Regulations, all of which claims have been approved by the Compensation Claim Board of of Texas:	
Elwood Gau, Anahuac, Texas	600.00
Leonard Rivon, Anahuac, Texas	110.00
Abraham Johnson, Anahuac, Texas	27.00
John Smith, Anahuac, Texas	150.00
Walter Sheppard, Anahuac, Texas	57.00
Robert Smith, Anahuac, Texas	50.00
L. J. Harding, Anahuac, Texas	175.00
David Fanner, Anahuac, Texas	300.00

Sam Turner, Anahuac, Texas	450.00
C. A. Pierson, Harlingen, Texas	265.00
Harrison Baker, Anahuac, Texas	150.00
Johnny Moore, Sr., Anahuac, Texas	150.00
J. H. Fortner, Marfa, Texas	1,000.00
To pay Perfection Ice Scoring Machine Company, Fort Worth, Texas, as refund of franchise tax paid under duress	158.40
To pay General American Transportation Corporation, Chicago, Illinois, as refund of franchise tax erroneously paid	24.00
To pay J. O. Page, Hillsboro, Texas, for reimbursement of State taxes paid through mistake of fact on property claimed as a homestead	19.04
To pay San Jacinto River Conservation and Reclamation District, Conroe, Texas, as refund for Ad Valorem taxes collected and erroneously remitted to the State Treasurer	25,124.57
To pay Consumers Fuel Association of Canyon, Texas, as a refund of franchise tax erroneously paid to the State Treasurer through a clerical error	48.00
To pay J. L. Tubbs, Haskell, Texas, as refund for taxes paid twice on property	16.70
To pay Vernon J. Stephens, Gilmer, Texas, for account against State Colored Orphanage, Gilmer, Texas	746.02
To pay Herman Shoss, 2612 Wheeler, Houston, Texas, for homestead tax paid in error	27.61
To pay Morris S. Gindorf, 3616 Wheeler Avenue, Houston 4, Texas, for homestead tax paid in error	14.98
To pay Benton Coopwood, 1908 Robin Hood Trail, Austin, Texas, deficiency in salary due while serving as Assistant District Attorney of the 53rd Judicial District of Texas	284.40
To pay Fisher A. Tyler, Austin, Texas, deficiency in salary due while serving as Assistant District Attorney of the 53rd Judicial District of Texas	330.00
To pay Mrs. A. W. McKee, 716 Main, Lubbock, Texas, Cigarette Tax Refund	70.00
To pay Lawrey & Swan, Bonham, Texas, Franchise tax refund	20.00
To pay Judge Few Brewster, Austin, Texas, for expenses incurred in holding court at Center, Shelby County, Texas, in exchange with Hon. T. O. Davis	30.81
To pay American Service Company, Kansas City, Missouri, refund on Chain Store Tax on ice manufacturing plants	5,074.50
To pay Mrs. B. O. Mehearg, Court Reporter, Tyler, Texas, for seven statements of fact made in pauper's oaths cases in accordance with Art. —, Revised Statutes, 1925	388.84
To pay W. B. Woodward, Clerk, Court of Civil Appeals, Beaumont, Texas, refund of fees paid to State Comptroller	1,572.75
To pay A. M. Cline, Bonham, Texas, refund on State tax paid in error	22.50
To pay J. M. Huber Corporation, Borger, Texas, refund of taxes	5,363.93
To pay Gray's Iron Works, Inc., Galveston, Texas, refund of State tax	506.66
To pay A. J. Mackie, Caliente, Nevada, refund on truck licenses and gasoline tax	2,187.92

To pay C. O. Vinnedge, 6104 Locke Avenue, Fort Worth, Texas, refund of State taxes	21.82
To pay E. Morgan Townsen, Fort Worth 2, Texas, refund of State taxes	30.70
To pay W. V. Smith, McKinney, Texas, for claim against State in the death of his brother James M. Smith	3,000.00
To pay W. Scott Schreiner, Kerrville, Texas, expenses as Regent of the University of Texas for period July 16, 1943, through July 16, 1944	155.00
To pay the following persons the following amounts opposite their names for per diem and expenses incurred as Members of the State Board of Education:	
H. C. Custard	119.68
Gilbert M. Denman	71.60
C. W. Hanks	124.77
Dr. A. M. Long	106.15
Ben G. Oneal	209.30
Phillips M. Stevenson	58.60
Maco Stewart	125.40
Royall R. Watkins	65.28
Fred Wemple	76.73
To pay La Gloria Butane Company, Inc., refund of charter filing fee due from erroneously filing	50.00
To pay District Clerk of 117th District Court of Nueces County unpaid balance of court costs in Cause 20707-b, State of Texas vs. Alberto Balli, et al.	488.30
To pay J. R. Patterson, Belton, Texas, refund for money paid for land which was never owned by State	366.00
To pay Victory Development Company, Kilgore, Texas, for refund of franchise tax erroneously collected	54.00
To pay Troy Smith, Tyler, Texas, refund of inheritance tax erroneously paid	257.78
To pay J. H. Ross, League City, Texas, refund of double payment of property tax	292.82
To pay Order of the Alamo, San Antonio, Texas, as refund for amusement tax erroneously paid	985.65
To pay Everett Hutchinson, Austin, Texas, for per diem and mileage as a Member of the 48th Legislature	1,223.00
To pay Ford-Montgomery Company, Wichita Falls, Texas, as refund for charter fees in the amount of \$190.00, and franchise tax in the amount of \$267.19, making a total of	457.19
To pay J. I. Driscoll, Clerk of Court of Civil Appeals, 8th Supreme Judicial District of Texas, El Paso, Texas, for funds paid to the Comptroller of Texas under duress for fees collected	3,109.25
To pay Miss Frances Terrell, Dallas, Texas, refund of Employment Agency License Fees erroneously paid	150.00
To pay W. E. James, Junction, Texas, refund of fines erroneously collected	25.00
To pay H. Sumpter, Junction, Texas, as refund of fines erroneously paid	25.00

To pay T. C. Smith, Teague, Texas, refund of filing fees erroneously deposited in State Treasury	70.00
To pay Luckenbach Steamship Company, Inc., New York 5, N. Y., remission of fine assessed by Game, Fish and Oyster Commission June 19, 1946	113.00
To pay Ellison Photo Company, Austin, Texas, out of Special Game Fund for orders placed and delivery made in 1940 and 1941	193.20
To pay Ellison Photo Company, Austin, Texas, out of Fish and Oyster Fund for orders placed and delivered in 1940 and 1941	160.00
To pay Sam Passur, San Antonio, Texas, out of Fish Propagation and Protection Fund for boat repairs made in 1943	40.46
To pay Kokernot Trust Company, Corpus Christi, Texas, for office rental for September, 1943	47.50
To pay Mrs. Gladys Givens, Corpus Christi, Texas, refund on wholesale fish dealer's license purchased on September 3, 1941 ..	200.00
To pay Jules A. Marin, 420 Thalia Street, Laguna Beach, California, refund on fishing licenses	415.00
To pay Reno Oil Company, Wichita Falls, Texas, refund on State Highway License taxes paid through error	141.54
To pay A. C. Baldwin & Sons, Inc., Austin, Texas, account due from State Department of Education	2,109.76
To pay The Capital Printing Co., Inc., Austin, Texas, account due from State Department of Education	290.41
To pay The Steck Company, Austin, Texas, account due from State Department of Education	512.94
To pay M. C. Atkins, Bryan, Texas, refund from duplicate payment of poll taxes	3.50
To pay Waxahachie Gas Co., Waxahachie, Texas, refund of gross receipts tax paid under implied duress	569.64
Subsection B. There is hereby appropriated out of the funds against which the following original or duplicate warrants were issued and on which payment is prohibited by the Statute of Limitation, the necessary sums to pay the following persons the following amounts opposite their names and addresses:	
C. V. Milburn, Corsicana, Texas, Warrant No. 188662	\$ 6.90
Samuel Bingham's Son Manufacturing Company, Dallas, Texas, Warrant No. 179040 for \$22.68 and Warrant No. 106421 for \$4.32, making a total of	27.00
Hendrick Grain Company, Houston, Texas, Warrant No. 264733	3.65
Secretary-Treasurer Firemen's Relief and Retirement Fund, Seminole, Texas, Warrant No. 546124	86.81
Alfred Anzaldua, Austin, Texas, Warrant No. 212039	10.00
William H. Schiefelbein, College Station, Texas, Warrant No. 679077 for \$3.50 and Warrant No. 714175 for \$1.40, making a total of	4.90
Era Lois Fisk, Austin, Texas, Warrant No. 574607 for \$8.00 and Warrant No. 574389 for \$44.90, making a total of	52.90
James Dale Fair, Wichita, Kansas, Warrant No. 335480	10.50
D. H. Buchanan Construction Co., Temple, Texas, Warrant No. 390489	709.61
L. E. Master, Denton, Texas, Warrant No. 662331	21.68
F. F. Edwards, 1412 Lavaca, Austin, Texas, Warrant No. 643108	4.00

T. D. Bledsoe, San Angelo, Texas, 2203 N. Chadbourne, Warrant No. 577073	19.10
Corsicana Grader and Machine Company, Corsicana, Texas, Warrant No. 30739	14.40
Roy Williams, Big Spring, Texas, Warrant No. 530858	45.51
Geo. P. Walker, Center Point, Texas, Warrant No. 672158	15.54
Precision Film Laboratories, New York, N. Y., Warrant No. 618546	380.00
Estate of Judge Charles E. Ashe, deceased, Houston, Texas, Warrant No. 175329	333.33
Citizens National Bank, Cameron, Texas, Warrant No. 180457 issued to Protective Mutual Benefit Association and which has been endorsed to said bank	21.00
J. A. Lockett, Marlin, Texas, Warrant No. 24033, issued to Dora Moore Co., which has been endorsed to J. A. Lockett	16.00
Mine Safety Appliances Company, Pittsburgh, Pennsylvania, Warrant No. 462098	11.85
Florentino Martinez, Refugio, Texas, Warrant No. 578592	30.00
J. A. Watson, Secretary-Treasurer, Firemen's Relief and Retirement Fund, Hemphill, Texas, Warrant No. 187590 for \$22.89 and Warrant No. 186831 for \$60.33, making a total of	83.22
C. A. Dahse, College Station, Texas, Warrant No. 542020	4.20
Secretary-Treasurer Firemen's Pension Board, Crystal City, Texas, Warrant No. 288748	166.54
Secretary-Treasurer Firemen's Relief and Retirement Fund, Pelly, Texas, Warrant No. 515389 for \$24.84 and Warrant No. 546087 for \$143.16, making a total of	168.00
Sammy Rohr, Secretary-Treasurer Firemen's Relief and Retirement Fund, Edcouch, Texas, Warrant No. 187551	21.60
Edward L. Grubbs, Laredo, Texas, Warrant No. 696317	4.55
Rafael Martino, College Station, Texas, Warrant No. 374889 ..	15.33
F. E. Ross, Tyler, Texas, Warrant No. 709625 for \$45.00 and Warrant No. 723759 for \$726, issued to wife, Virginia Ross, deceased, making a total of	52.26
Secretary-Treasurer Firemen's Relief and Retirement Fund, Fairfield, Texas, Warrant No. 545954	86.63
City of Luling, Texas, Warrant No. 187634, issued to and endorsed by Mae Slater, Secretary-Treasurer Firemen's Relief and Retirement Fund, Luling, Texas	99.65
Mrs. Musie Jackson, Athens, Texas, Warrant No. 140832, issued to and endorsed by Dutch Toole	6.32
White Sewing Machine Company, Cleveland, Ohio, Warrant No. 72179 for \$51.25 and Warrant No. 73278 for \$102.50, making a total of	153.75
Paragon C. and C. Company, Incorporated, New York City, New York, Warrant No. 392889	45.60
Carl Klutts, Cross Plains, Texas, Warrant No. 668228	23.46
English Freight Company, Dallas, Texas, Warrant No. 112594 for \$3.27, Warrant No. 144070 for \$1.88, Warrant No. 244085 for \$2.54, Warrant No. 246661 for \$.96, Warrant No. 219341 for \$9.91, Warrant No. 47620 for \$1.55, Warrant No. 177914 for \$4.92 and Warrant No. 69061 for \$1.85, making a total of	26.88
W. F. Hasskarl, Brenham, Texas, Warrant No. 413580	50.00

Patty Ruth Knowles, Waxahachie, Texas, Warrant No. 66524 ..	45.90
S. G. Carruth, Port Arthur, Texas, Warrant No. 716	51.45
Kathleen Driscoll Roche, Refugio, Texas, Warrant No. 132812 ..	151.89
The Eagle-Picher Sales Company, Cincinnati, Ohio, Warrant No. 30577 for \$1.18 and Warrant No. 158553 for \$46.80, making a total of	47.98
Leon A. Russell, Annona, Texas, Warrant No. 427440, issued to and endorsed by Minnie L. Jones	20.36

Sec. 2. It is specifically provided herein that before any claim shall be paid from funds hereby appropriated that the same shall have the approval of the State Comptroller and the Attorney General. It is further provided that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named. And it is further provided that the language used in connection with each of the claim items herein it intended to be descriptive of the claim and shall not be construed as a legislative finding of fact regarding the claim.

Sec. 3. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named herein, in the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms, or corporations at their said respective addresses, warrant or warrants in payment of said claim or claims, and said persons, firms, or corporations shall duly receipt the Comptroller for said warrant or warrants for payment of said claim or claims.

Sec. 4. The fact that the claims herein appropriated for are past due, and the persons, firms, and corporations to whom the same are payable are being deprived of the proceeds thereof creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Report of Conference Committee on Senate Bill 172

Senator Harris submitted the following report:

Austin, Texas,
June 2, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 172, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

HARRIS
KELLY of Tarrant
CARNEY

On the part of the Senate.
KILGORE
BLANKENSHIP
WILLIAMS
LOCK

One the part of the House.

S. B. No. 172 By Harris
A BILL
To Be Entitled

"An Act regulating traffic, or travel upon the highways of the State of Texas; prescribing penalties for the violation of the provisions of this Act; containing a saving clause; providing for repeal of all laws or parts of laws inconsistent or conflicting with provisions of the Act; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

ARTICLE I

Words and Phrases Defined

Section 1. Definition of Words and Phrases. The following words and phrases when used in this Act shall, for the purpose of this Act, have the meaning respectively ascribed to them in this Article.

SUBDIVISION I. Vehicles and Equipment Defined.

Sec. 2. (a) Vehicle. Every device

in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.

(d) Authorized Emergency Vehicle. Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the police commissioner or the chief of police of an incorporated city.

(e) School Bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Sec. 3. (a) Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(c) Road Tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 4. (a) Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than taxicab, designed and used for the transportation of persons for compensation.

Sec. 5. (a) Trailer. Every vehicle with or without motive power, other

than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) Semi-Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(c) Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(d) House Trailer. Every vehicle without automotive power designed for human habitation and for carrying persons and property upon its own structure and for being drawn by a motor vehicle.

Sec. 6. (a) Pneumatic Tire. Every tire in which compressed air is designed to support the load.

(b) Solid Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) Metal Tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

Sec. 7. (a) Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

(b) Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

(c) Street Car. A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

Sec. 8. (a) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by

friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

(b) Flammable Fluid. Any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed-cup test device.

SUBDIVISION II.

Governmental agencies, persons, owners, etc., defined

Sec. 9. (a) Director. The Director of the Department of Public Safety of this State.

(b) Department. The Department of Public Safety of this State acting directly or through its duly authorized officers and agents.

Sec. 10. (a) Person. Every natural person, firm, copartnership, association, or corporation.

(b) Pedestrian. Any person afoot.

(c) Driver. Every person who drives or is in actual physical control of a vehicle.

(d) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event of a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.

(e) Personal Injury. A wound or injury to any part of the human body which necessitates treatment.

Sec. 11. Police Officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Sec. 12. Local Authorities. Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State.

SUBDIVISION III.

Highways, Restricted Districts, Zones, etc. defined

Sec. 13. (a) Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open

to the use of the public for purposes of vehicular travel.

(b) Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(c) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(d) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(e) Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(f) Through Highway. Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Act.

(g) Limited-Access or Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Sec. 14. Intersection. (a) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such

highways shall be regarded as a separate intersection.

Sec. 15. Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

Sec. 16. Safety Zones. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 17. (a) Business District. The territory contiguous to and including a roadway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

(b) Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Sec. 18. (a) Official Traffic-Control Devices. All signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) Traffic-Control Signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(c) Railroad Sign or Signal. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 19. Traffic. Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either

singly or together while using any highway for purposes of travel.

Sec. 20. Right-of-Way. The privilege of the immediate use of the highway.

ARTICLE II

Obedience to and Effect of Traffic Laws

Sec. 21. Provisions of Act Refer to Vehicles Upon the Highways; Exceptions. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Articles IV and V shall apply upon highways.

Sec. 22. Required Obedience to Traffic Laws. It is unlawful and unless otherwise declared in this Act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Act.

Sec. 23. Obedience to Police Officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

Sec. 24. Public Officers and Employees to Obey Act; Exceptions. (a) The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Act with reference to authorized emergency vehicles.

(b) The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop signs shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(c) No driver of any authorized emergency vehicle shall assume any special privilege under this Act except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(d) The provisions of this Act

shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

Sec. 25. Traffic Laws Apply to Persons Riding Animals or Driving Animal-Drawn Vehicles. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except those provisions of this Act which by their very nature can have no application.

Sec. 26. Provisions of Act Uniform Throughout State. The provisions of this Act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this Act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Act.

Sec. 27. Powers of Local Authorities. (a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highways as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection;
7. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

8. Regulating or prohibiting the turning of vehicles at intersections;

9(a). Adopting such other traffic regulations as are specifically authorized by this Act, or adopting traffic regulations not inconsistent with this Act.

(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any State highway to stop before entering or crossing any intersecting highway unless such signs are erected and maintained by virtue of an agreement entered into between such local authority and the State Highway Department under the provisions of Senate Bill 415, Acts, Forty-sixth Legislature, Regular Session.

(c) No ordinance or regulation enacted under subdivisions (4), (5), or (6) of this Section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Sec. 28. This Act Not to Interfere with Rights of Owners of Real Estate Property with Reference Thereto. Nothing in this Act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Act, or otherwise regulating such use as may seem best to such owner.

ARTICLE III

Traffic Signs, Signals, and Markings

Sec. 29. State Highway Commission to Adopt Sign Manual. The State Highway Commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this Act for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials.

Sec. 30. State Highway Department to Sign State Highways.

(a) The State Highway Department may place and maintain, or under the authority of Senate Bill No. 415, Acts, Forty-sixth Legislature, Regular Session, provide for such placing and maintaining such traffic-control devices, conforming to its

manual and specifications, upon all State highways as it may deem necessary, to indicate and carry out the provisions of this Act or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the State Highway Department except by the latter's permission.

Sec. 31. Local Traffic-Control Devices. (a) Local authorities, in their respective jurisdiction, may place and maintain any traffic-control devices upon any highway under their jurisdiction as they may deem necessary to indicate and carry out the provisions of this Act, or local traffic ordinances, or regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State Highway Department's manual and specifications.

Sec. 32. Obedience to Official Traffic-Control Devices. No driver of a vehicle or motorman of a street car shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this Act, unless at the time otherwise directed by a police officer.

Sec. 33. Traffic-Control Signal Legend. Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or "Go."

1. Vehicular traffic facing the signal, except when prohibited under Section 83, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow alone or "Caution" when shown following the green or "Go" signal.

1. Vehicular traffic facing the signal is thereby warned that the red

or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone or "Stop."

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow.

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(f) The motorman of any street car shall obey the above signals as applicable to vehicles.

Sec. 34. Pedestrian Walk and Wait Signals. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" are in place such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) Wait. No pedestrian shall start

to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Sec. 35. Flashing Signals. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Sec. 36. Display of Unauthorized Signs, Signals, or Markings.

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Sec. 37. Interference with Official Traffic-Control Devices or Railroad Signs or Signals. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield,

or insignia thereon, or any other part thereof.

ARTICLE IV

Accidents

Sec. 38. Accidents Involving Death or Personal Injuries.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 40. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment in the penitentiary not to exceed five (5) years or in jail not exceeding one (1) year or by fine not exceeding Five Thousand Dollars (\$5,000), or by both such fine and imprisonment.

Sec. 39. Accident Involving Damage to Vehicle. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 40. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a misdemeanor.

Sec. 40. Duty to Give Information and Render Aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's, commercial operator's, or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of

such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

Sec. 41. Duty Upon Striking Unattended Vehicle. The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in, or securely attached to and plainly visible, the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

Sec. 42. Duty Upon Striking Fixtures Upon a Highway. The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's, commercial operator's, or chauffeur's license, and shall make report of such accident when and as required in Section 44 hereof.

Sec. 43. Immediate Reports of Accidents. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the Texas Highway Patrol.

Sec. 44. Written Report of Accidents. (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of Twenty-five Dollars (\$25) or more shall, within twenty-four (24) hours after such accident, forward a written report of such accident to the department.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this Section to file supplemental reports whenever

the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(c) Every law enforcement officer, who, in the regular course of duty, investigates a motor-vehicle accident of which report must be made as required in this Section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four (24) hours after completing such investigation, forward a written report of such accident to the department.

Sec. 45. Accident Report Forms.

(a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicle involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.

Sec. 46. Coroners to Report. Every coroner or other official performing like functions shall on or before the tenth (10th) day of each month report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of a traffic accident giving the time and place of the accident and the circumstances relating thereto.

Sec. 47. Accident Report Confidential. All accident reports made by persons involved in accidents, by garages, or peace officers shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other State agencies having use for the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

Sec. 48. Department to Tabulate

and Analyze Accident Reports. The Department shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

Sec. 49. (a) Any Incorporated City May Require Accident Reports. Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 47 of this Act.

(b) Any incorporated city, town, village, or other municipality may by ordinance require the person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 44, or struck by any bullet, to report to the department within 24 hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

ARTICLE V

Driving While Under the Influence of Drugs and Reckless Driving.

Sec. 50. Persons Under the Influence of Drugs. (a) It is unlawful for any person who is under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this Section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this Section.

(b) Every person who is convicted of a violation of this Section shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not less than ten (10) days nor more than two (2) years, or by fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) or by both such fine and imprisonment.

Sec. 51. Reckless Driving. Every

person who drives any vehicle in wilful or wanton disregard of the rights or safety of others or without due caution or circumspection, and at a speed or in a manner so as to endanger or be likely to endanger a person or property shall be guilty of reckless driving.

ARTICLE VI

Driving on Right Side of Roadway; Overtaking and Passing, Etc.

Sec. 52. Drive on Right Side of Roadway; Exceptions. Upon all roadways the driver of a vehicle shall drive upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway designated and signposted for one-way traffic.

Sec. 53. Passing Vehicles Proceeding in Opposite Directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half ($\frac{1}{2}$) of the main-traveled portion of the roadway as nearly as possible.

Sec. 54. Overtaking a Vehicle on the Left. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Sec. 55. When Overtaking on the Right Is Permitted. (a) The driver

of a vehicle may overtake and pass upon the right another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;
3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, whether the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Sec. 56. Limitations on Overtaking on the Left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible, and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Sec. 57. Further Limitations on Driving to Left of Center of Roadway. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58.
2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;
3. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

Sec. 58. No-Passing Zones. The

State Highway Commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

Sec. 59. One-Way Roadways and Rotary Traffic Islands. (a) The State Highway Commission may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic the driver of a vehicle shall drive only in the direction designated.

(c) The driver of a vehicle passing around a rotary traffic island shall drive only to the right of such island.

Sec. 60. Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) The driver of a vehicle shall drive as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes the driver of a vehicle shall not drive in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the direction of every such sign.

Sec. 61. Following Too Closely. (a) The driver of a motor vehicle shall

not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway.

(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another motor truck or motor vehicle drawing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) The drivers of motor vehicles driven upon any roadway outside of a business or residential district in a caravan or motorcade whether or not towing other vehicles shall drive so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicles to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Sec. 62. Driving on Divided Highways. Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

Sec. 63. Restricted Access. No person shall drive a vehicle onto or from any limited-access or controlled access roadway except at such entrances and exits as are established by public authority.

Sec. 64. Restrictions on Use of Limited Access or Controlled Access Roadway. The State Highway Commission may by resolution or order entered in its minutes and local authorities may by ordinance with respect to any limited-access or controlled access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized traffic.

The State Highway Commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the limited-access or controlled access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

ARTICLE VII

Turning and Starting and Signals on Stopping and Turning

Sec. 65. Required Position and Method of Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(d) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left hand curb or edge of the roadway.

(e) The State Highway Department and local authorities in their respective jurisdiction may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Sec. 66. Turning on Curve or Crest of Grade Prohibited. No driver of a vehicle shall turn so as to proceed in the opposite direction where sight re-

striction is such that the section of highway being traversed lies within a no-passing zone as determined and marked in accordance with the provisions of Section 58.

Sec. 67. Starting Parked Vehicle. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with safety.

Sec. 68. Turning Movements and Required Signals.

(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 65, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 69. Signals by Hand and Arm or Signal Device. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of a type approved by the department, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

Sec. 70. Method of Giving Hand-and-Arm Signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

The signals herein required shall be given either by means of the hand-and-arm, or by a signal lamp or signal device approved by the department.

ARTICLE VIII

Right-of-Way

Sec. 71. Vehicles Approaching or Entering Intersection.

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two (2) vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in subdivisions (a) and (b) are modified at through highways and otherwise as hereinafter stated in this Article.

Sec. 72. Vehicle Turning Left at Intersection. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this Act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

Sec. 73. Vehicle Entering Through Highway or Stop Intersection.

(a) The driver of a vehicle shall stop as required by this Act at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto al-

though not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Sec. 74. Vehicle Entering Highway from Private Road or Driveway. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

Sec. 75. Operation of Vehicles and Street Cars on Approach of Authorized Emergency Vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and/or when the driver is giving audible signal by siren, exhaust, whistle, or bell:

1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE IX

Pedestrians' Rights and Duties

Sec. 76. Pedestrians Subject to Traffic Regulations.

(a) Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 33 of this Act, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

(b) Local authorities are hereby

empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

Sec. 77. Pedestrians' Right-of-Way in Crosswalks.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in Section 78 (b).

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Sec. 78. Crossing at Other Than Crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Sec. 79. Drivers to Exercise Due Care. Notwithstanding the foregoing provisions of this Article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper

precaution upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 80. Pedestrians to Use a Right Half of Crosswalks. Pedestrians shall move, whenever possible upon the right half of crosswalks.

Sec. 81. Pedestrians on Roadways.

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when possible walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

ARTICLE X

Street Cars and Safety Zones

Sec. 82. Passing Street Car on Left.

(a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any street car proceeding in the same direction, whether such street car is actually in motion or temporarily at rest, except:

1. When so directed by a police officer;

2. When upon a one-way street; or

3. When upon a street where the tracks are so located as to prevent compliance with this section.

(b) The driver of any vehicle when permitted to overtake and pass upon the left side of a street car which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other section of this Act.

Sec. 83. Passing Street Car on Right. The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five (5) feet to the rear of the nearest running board or door of such street car and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past

such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

Sec. 84. Driving on Street-Car Tracks.

(a) The driver of any vehicle proceeding upon any street-car track in front of a street car upon a street shall remove such vehicle from the track as soon as possible after signal from the operator of said street car.

(b) When a street car has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks within the intersection in front of the street car.

(c) The driver of a vehicle upon overtaking and passing a street car shall not turn in front of such street car so as to interfere with or impede its movement.

Sec. 85. Driving Through Safety Zone Prohibited. No driver of a vehicle shall at any time drive through or within a safety zone.

ARTICLE XI

Special Stops and Restricted Speeds Required

Sec. 86. Obedience to Signal Indicating Approach of Train. Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(b) A crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;

(c) A railroad engine approaching within approximately fifteen hundred (1500) feet of the highway crossing emits a signal audible from such distance and such engine by reason of its speed or nearness to such crossing is an immediate hazard;

(d) An approaching train is plainly visible and is in hazardous proximity to such crossing.

Sec. 87. All Vehicles Must Stop at Certain Railroad Grade Crossings. With respect to highways under their respective jurisdiction, the State Highway Department and local authorities are hereby authorized to designate particularly dangerous highway grade crossings of railroads and

to erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 88. Certain Vehicles Must Stop at All Railroad Grade Crossings. (a) The driver of any motor bus carrying passengers for hire, or of any school bus carrying any school child, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

Sec. 89. Certain Vehicles Must Reduce Speed at All Railroad Grade Crossings. (a) The driver of any vehicle carrying explosive substances or flammable liquids as its principal cargo before crossing at grade any track or tracks of a railroad, shall if travelling in excess of twenty (20) miles per hour, reduce the speed of such vehicle to twenty (20) miles per hour before approaching within two hundred (200) feet from the nearest rail of such railroad and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of the train, except as hereinafter provided, and shall not cross such track until he can do so safely. After reducing speed as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such and the

driver shall not shift gears while crossing the track or tracks.

(b) This section shall not apply at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

(d) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the requirements contained in Sections 86 and 87 of this Act.

Sec. 90. Moving Heavy Equipment at Railroad Grade Crossing.

(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) or more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(c) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

Sec. 91. Vehicles Must Stop at Through Highways. (a) The State Highway Commission with reference to State (and county) highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall conform to the manual and specifications for uniform traffic-control devices as adopted by the State Highway Commission. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk there at,

or, if none, at the nearest line of the roadway.

(c) Every driver of a vehicle and every motorman of a street car shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic-control signal.

Sec. 92. Stop Before Emerging from Alley or Private Driveway. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

ARTICLE XII

Stopping, Standing, and Parking

Sec. 93. Stopping, Standing, or Parking Outside of Business or Residence Districts. (a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is possible to stop, park, or so leave vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 94. Officers Authorized to Remove Illegally Stopped Vehicles. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this Article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel

where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) Any commissioned member of the Department of Public Safety is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency of which the officer is a member, under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

2. When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the highway;

3. When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled;

4. When any such officer has reasonable grounds to believe that any vehicle has been abandoned;

5. When a vehicle upon a highway is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

6. When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

(d) Any commissioned member of the Department of Public Safety is hereby authorized to remove any vehicle parked or standing in or on any portion of a highway when, in the opinion of the said member of the Department of Public Safety, the said vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency or un-

usual circumstance the safety of said vehicle is imperiled.

Sec. 95. Stopping, Standing, or Parking Prohibited in Specified Places. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway;
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 96. Additional Parking Regulations. (a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

(b) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

(c) Local authorities may, by ordinance, permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal aid or State highway unless the State Highway Engineer has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The State Highway Department, with respect to highways under its jurisdiction, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in the opinion of the State Highway Engineer, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

ARTICLE XIII

Miscellaneous Rules

Sec. 97. Unattended Motor Vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Sec. 98. Driving on Mountain Highways. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as possible and upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway, shall give audible warning with the horn of such motor vehicle.

Sec. 99. Coasting Prohibited. (a) The driver of any motor vehicle when traveling upon a hazardous down grade so designated by the State Highway Commission and properly marked or signed shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial

motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Sec. 100. Following Fire Apparatus Prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where the fire apparatus has stopped to answer a fire alarm.

Sec. 101. Crossing Fire Hose. No driver of a street car or vehicle shall drive over an unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 102. Putting Glass, Etc., on Highway Prohibited. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.

Sec. 103. Removing Materials from Highway.

(a) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(b) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Sec. 104. Overtaking and Passing School Bus. (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle immediately before passing the school bus but may then proceed past such school bus at a speed which is prudent, not exceeding ten (10) miles per hour, and with due caution for the safety of such children.

(b) All vehicles used for the transportation of pupils to and/or from any school or college, shall have a sign on the front and rear and on each side of said vehicle, showing the words "School Bus" and said words shall be plainly readable in letters not less

than eight (8) inches in height and the words "School Bus" shall be removed or covered when the vehicle is not in use as a school bus.

Sec. 105. Regulations Relative to School Busses. The State Department of Education by and with the advice of the Director of the Department of Public Safety shall adopt and enforce regulations not inconsistent with this Act to govern the design, color, and operation of all school busses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

Sec. 106. Limitations as to Trailers. (a) No driver of a motor vehicle shall drive upon any highway outside of the limits of an incorporated city or town drawing or having attached thereto more than one vehicle; such vehicle may be a trailer, semi-trailer, pole trailer, or another motor vehicle.

(b) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed fifteen (15) feet from one vehicle to the other except the connection between any two (2) vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(c) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.

Sec. 107. Fire Extinguishers. Every school bus and every motor vehicle engaged in the transportation of passengers for hire or lease shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use.

ARTICLE XIV Equipment

Sec. 108. Scope and Effect of Regulations. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly per-

mit to be driven or moved on any highway any vehicle or combination of vehicles which is in unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Article, or which is equipped in any manner in violation of this Article, or for any person to do any act forbidden or fail to perform any act required under this Article.

(b) Nothing contained in this Article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Article.

(c) The provisions of this Article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

Sec. 109. When Lighted Lamps Are Required. (a) Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subdivision (a) of this section upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands.

Sec. 110. Head Lamps on Motor Vehicles. (a) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle,

which head lamps shall comply with the requirements and limitations set forth in this Article.

(b) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this Article.

Sec. 111. Tail Lamps. (a) Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear, which when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

(b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(a) Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in Section 114 shall be equipped with reflectors as required in those sections applicable thereto.

Sec. 112. New Motor Vehicles to be Equipped with Reflectors.

(b) Every such reflector shall be mounted on the motor vehicle at a height not less than twenty-four (24) inches nor more than sixty (60) inches above the ground on which the vehicle stands and shall be of such size and characteristics and so maintained as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from such vehicle except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

Sec. 113. Application of Succeeding Sections. The sections of this Act

immediately following relating to clearance and marker lamps, reflectors, and stop lights shall apply as stated in said sections to vehicles of the type herein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semi-trailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 109, except that clearance and side marker lamps need not to be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

Sec. 114. Additional Equipment Required on Certain Vehicles.

In addition to other equipment required in this Act the following vehicles shall be equipped as herein stated under the conditions stated in Section 113.

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck eighty (80) inches or more in overall width, in addition to the requirements in subparagraph (a);

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

(c) On every truck tractor:

On the front, two clearance lamps, one at each side.

On the rear, one stop light, when such truck tractor is operated as a single unit.

(d) On every trailer or semitrailer having a registered or actual gross weight in excess of 3,000 pounds:

On the front, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front end and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

On the rear, two clearance lamps,

one at each side, also two reflectors, one at each side, and one stop light.

(e) On every pole trailer in excess of 3,000 pounds registered or actual gross weight:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

On the rear of the pole trailer, or load, two reflectors, one at each side.

(f) On every trailer, semitrailer or pole trailer:

On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

Sec. 115. Color of Clearance Lamps, Side Marker Lamps, and Reflectors.

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate or the light emitted by a back-up lamp shall be white.

Sec. 116. Mounting of Reflectors, Clearance Lamps, and Side Marker Lamps. (a) Reflectors shall be mounted at a height of not less than twenty-four (24) inches and not higher than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this Act.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate

its extreme width and as near the top thereof as possible. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Sec. 117. Visibility of Reflectors, Clearance Lamps, and Marker Lamps. (a) Every reflector upon any vehicle referred to in Section 114 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred (500) feet to fifty (50) feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the side and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the side of the vehicle on which mounted.

Sec. 118. Stop Lamps Required on New Motor Vehicles. From and after January 1, 1948 it shall be unlawful for any person to sell any new motor vehicle in this State or for any person to drive any such motor vehicle on the highways unless it is equipped with a stop lamp meeting with the requirements of Section 124.

Sec. 119. Obstructed Lights Not Required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Sec. 120. Lamp or Flag on Projecting Load. Whenever the load upon any vehicle extends to the rear four

(4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 109 hereof, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 121. Lamps on Parked Vehicles. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 109, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle and a red light visible from a distance of five hundred (500) feet to the rear, except that local authorities may provide by ordinance or resolution that no lights be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person within a distance of five hundred (500) feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 122. Lamps on Other Vehicles and Equipment. All vehicles, including animal-drawn vehicles and including those referred to in Section 108(c) not hereinbefore specifically required to be equipped with lamps, shall at the time specified in Section 109 hereof be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear.

Sec. 123. Spot Lamps and Auxiliary Driving Lamps. (a) "Spotlight" shall mean any light or lamp, the direction of the beam from which is controllable from the front or rear seat of a motor vehicle or from the seat or side-car of a motorcycle.

(b) It shall be unlawful for any operator of a motor vehicle or motorcycle to use a spotlight when a motor vehicle or motorcycle, approaching from the front, is in sight. Upon sight of a motor vehicle or motorcycle approaching from the front, it shall be the duty of the operator of a motor vehicle or motorcycle upon which a spotlight is being used to immediately extinguish said spotlight and it shall not be turned on until the approaching motor vehicle or motorcycle has passed. In case the headlights of a motor vehicle or headlight of a motorcycle should fail to function, and the operator of said motor vehicle or motorcycle is without sufficient driving light, the use of a spotlight shall be permissible at all times, but when so used, the beam from said spotlight shall be so directed that it strikes the road not more than fifty (50) feet ahead of the motor vehicle or motorcycle upon which it is being used. The provisions of this section prohibiting the use of spotlights under certain conditions shall not apply to police or fire department vehicles.

(c) Any motor vehicle may be equipped with not to exceed three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this Article.

Sec. 124. Signal Lamps and Signal Devices. (a) Any motor vehicle may be equipped and when required under this Act shall be equipped with the following signal lamps or devices:

1. A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

2. A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of one hundred (100) feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from

a distance of one hundred (100) feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 109.

Sec. 125. Additional Lighting Equipment. (a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; but such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

Sec. 126. Multiple Beam Road Lighting Equipment. Except as hereinafter provided, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty (350) feet ahead for all conditions of loading. The maximum intensity of this uppermost distribution of light or composite beam one degree (1°) of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8,000) apparent candlepower, and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed that:

1. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall at a

distance of twenty-five (25) feet ahead, project higher than a level of eight (8) inches below the level of the center of the lamp from which it comes.

2. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five (25) feet ahead, project higher than a level of three (3) inches below the level of the center of the lamp from which it comes.

3. In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

(c) Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with Subsection (b), paragraph (1) of this section except when arranged in accordance with the practice specified in Subsection (e).

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead.

(e) Every new motor vehicle registered in this State after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Sec. 127. Use of Multiple Beam Road Lighting Equipment. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 109, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light or composite beam so aimed

that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

The lowermost distribution of light specified in Section 126, paragraph (b), Subparagraph 1, shall be dimmed to avoid glare at all times, regardless of road contour and loading.

Sec. 128. Single Beam Road Lighting Equipment. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this Act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

Sec. 129. Alternate Road Lighting Equipment. Any motor vehicle may be operated under the conditions specified in Section 109 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps required in Section 126 or Section 128 provided, however, that at no time shall it be operated at a speed in excess of thirty-five (35) miles per hour.

Sec. 130. Number of Driving Lamps Required or Permitted. (a) At all times specified in Section 109, at least two (2) lighted lamps shall be displayed, one on each side at the

front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 131. Special Restrictions on Lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals which project a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This Section shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on motor vehicles, except an authorized emergency vehicle or on any vehicle as a means for indicating a right or left turn.

Sec. 132. Brakes. (a) Brake equipment required.

1. Every motor vehicle, other than motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

2. Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer or semitrailer of

a registered or actual gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

4. In any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

5. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading at any point on the street or highway on which it is operated.

6. (a) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) Performance ability of brakes. Every motor vehicle or combination of motor drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	Feet to stop from 20 miles per hour	Deceleration in ft. per sec- ond
Vehicles or combina- tion of vehicles having brakes on all wheels	30	14
Vehicles or combina- tion of vehicles not hav- ing brakes on all wheels	40	10.7

(c) Maintenance of brakes. All brakes shall be maintained in good

working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite side of the vehicle.

Sec. 133. Horns and Warning Devices. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter event the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 134. Mufflers, Prevention of Noise. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Sec. 135. Restrictions as to Tire Equipment. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface extend-

ing above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, provided, however, this section shall not apply to farm wagons and/or farm trailers having a gross weight less than five thousand (5000) pounds where owners are in the act of transporting farm products to market or for processing or from farm to farm.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) The State Highway Commission and local authorities in their respective jurisdictions may in their discretion issue a special permit authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Act.

Sec. 136. Safety Glass in Motor Vehicles. (a) It shall be unlawful after the first day of January, 1948, for any person to sell any new motor vehicle nor shall the same be registered in this State, unless the doors, windows and windshields of such vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields.

(b) It shall be unlawful after the first day of January, 1948, for any person to replace, or cause to be replaced, any glass in doors, windows, or windshields in any motor vehicle manufactured or assembled after said date, unless such replacement be made with safety glass as defined in this Act.

(c) The term "safety glass" as used in this Act shall mean any product composed of glass so manufactured, fabricated or treated as to substan-

tially prevent shattering and flying of the glass when struck or broken.

Sec. 137. Certain Vehicles to Carry Flares or Other Warning Devices. (a) No person shall operate any motor truck, passenger bus, or truck tractor upon any highway outside of the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in subsection (b):

1. At least three flares or three red electric lanterns each of which shall be capable of being seen and distinguished at a distance of five hundred (500) feet under normal atmospheric conditions at nighttime.

Each flare (liquid-burning pot torch) shall be capable of burning for not less than twelve (12) hours in five (5) miles per hour wind velocity and capable of burning in any air velocity from zero to forty (40) miles per hour. Every such flare shall be substantially constructed so as to withstand shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operation continuously for not less than twelve (12) hours and shall be substantially constructed so as to withstand shock without breakage.

2. At least three red-burning fusees unless red electric lanterns are carried.

Every fusee shall be made in accordance with specification of the Bureau of Explosives, New York, and so marked and shall be capable of burning at least fifteen (15) minutes.

3. At least two red cloth flags, not less than twelve (12) inches square, with standards to support same.

(b) No person shall operate at the time and under the conditions stated in subsection (a) any motor vehicle used in the transportation of inflammable liquids in bulk, or transporting compressed inflammable gases unless there shall be carried in such vehicle three red electric lanterns meeting the requirements above stated and there shall not be carried in any said vehicle any flares, fusees or signal produced by a flame.

(c) In the alternative it shall be deemed a compliance with this section in the event the person operating any motor vehicle described in this section shall carry in such vehicle three portable reflector units on standards of a type approved by the

department. No portable reflector unit shall be approved unless it is so designed and constructed that it will reflect red light clearly visible for a distance of at least three hundred (300) feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

Sec. 138. Display of Warning Devices When Vehicle Disabled.

(a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (b).

1. A lighted fusee shall be immediately placed on the roadway at traffic side of the motor vehicle unless electric lanterns are displayed.

2. Within the burning period of the fusee and as promptly as possible three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows:

One at a distance of approximately one hundred (100) feet in advance of the vehicle, one at a distance of approximately one hundred (100) feet to the rear of the vehicle each in the center of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately ten (10) feet rearward or forward thereof.

(b) Whenever any vehicle used in the transportation of inflammable liquid in bulk, or transporting compressed inflammable gases is disabled upon a highway at any time or place mentioned in subsection (a) of this section, the driver of such vehicle shall display upon the roadway the following lighted warning devices:

1. One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle and the two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed in subsection (a) above for flares.

When a vehicle of a type specified in this subsection is disabled the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.

(c) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality at any time when the display of fusees, flares, or electric lanterns is not required, the driver of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

(d) In the alternative it shall be deemed a compliance with this section in the event three (3) portable reflector units on standards of a type approved by the department are displayed at the times and under the conditions specified in this section either during the daytime or at nighttime and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.

(e) The flares, fusees, lanterns, and flags to be displayed as required in this section shall conform with the requirements of Section 137 applicable thereto.

(f) It shall be unlawful for any person except any peace officer while acting in his official capacity, or the owner of the vehicle or his duly authorized agent or employee, to remove, damage, destroy, misplace, or extinguish any lamp, flare, fusee, or other signaling device required under this section and Section 137 of this Act, while the same are being displayed or being used as required by this Act.

Sec. 139. Vehicle Transporting Explosives. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight (8) inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four (24) inches square marked with the word "Danger" in white letters six (6) inches high.

(b) Every said vehicle shall be equipped with not less than two (2) fire extinguishers of at least one quart

capacity each, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(c) The Director is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public; provided however that such additional regulations as may be promulgated under this authority shall not apply to persons engaged in transporting explosives when such operations are regulated by the Railroad Commission of Texas or the Interstate Commerce Commission.

ARTICLE XV

Inspection of Vehicles

Sec. 140. Vehicles Without Required Equipment or in Unsafe Condition. No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this Act and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 141. Inspection by Officers of the Department. The Director, members of the Texas Highway Patrol, and such other officers and employees of the department as the Director may designate, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

Sec. 142. Owners and Drivers to Comply with Inspection Laws. No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the Director or an authorized officer or employee of the department.

ARTICLE XVI

Penalties and Disposition of Fines and Forfeitures

Sec. 143. Penalties for Misdemeanors. (a) It is a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this State declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this Act for which another penalty is not provided shall be punished by a fine of not less than One Dollar (\$1) nor more than Two Hundred Dollars (\$200).

Sec. 144. Disposition of Fines and Forfeitures. Fines collected for violation of any highway law as set forth in this Act shall be used by the municipality or the counties in which the same are assessed and to which the same are payable in the construction and maintenance of roads, bridges, and culverts therein, and for the enforcement of the traffic laws regulating the use of the public highways by motor vehicles and motorcycles and to help defray the expense of county traffic officers.

ARTICLE XVII

Parties, Procedure Upon Arrest, and Reports in Criminal Cases

Sec. 145. Parties to a Crime. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Act is likewise guilty of such offense.

Sec. 146. Offense by Persons Owning or Controlling Vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Sec. 147. When a Person Arrested Must Be Taken Immediately Before a Magistrate. Whenever any person is arrested for any violation of this Act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate;

2. When the person is arrested upon a charge of negligent homicide;

3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;

4. When the person is arrested upon a charge of failure to stop in the event of an accident, causing death, personal injuries, or damage to property;

5. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

Sec. 148. When Person Arrested to Be Given Five (5) Days' Notice to Appear in Court. (a) Whenever a person is arrested for any violation of this Act punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court. Provided, however, that the offense of speeding shall be the only offense making mandatory the issuance of a written notice to appear in court, and only then if the arrested person gives his written promise to appear in court, by signing in duplicate the written notice prepared by the arresting officer.

(b) The time specified in said notice to appear must be at least five (5) days after such arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified in said notice to appear must be before a magistrate within the city or county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(d) The arrested person in order to secure release as provided in this section, must give his written promise so to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officer and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody.

(e) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and

shall be subject to removal from office.

Sec. 149. Violation of Promise to Appear. (a) Any person wilfully violating his written promise to appear in court, given as provided in this Article, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

Sec. 150. Procedure Prescribed Herein Not Exclusive. The foregoing provisions of this Article shall govern all police officers in making arrests without a warrant for violations of this Act, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Sec. 151. Conviction for Traffic Violation Not to Affect Credibility of Witness. The conviction of a person upon a charge of violating any provision of this Act or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

Sec. 152. Convictions To Be Reported to Department. (a) Every magistrate or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Act or of any other law regulating the operation of vehicles on highways.

(b) Within ten (10) days after conviction or forfeiture of bail of a person upon a charge of violating any provision of this Act or other law regulating the operation of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(c) Said abstract must be made upon a form furnished by the Department and shall include the name and address of the party charged, the number, if any, of his operator's,

commercial operator's, or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of negligent homicide or any felony in the commission of which a vehicle was used.

(e) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

(f) The department shall keep all abstracts received hereunder at its main office.

Sec. 153. Arrest Without Warrant. Any peace officer is authorized to arrest without warrant any person found committing a violation of any provision of this Act.

ARTICLE XVIII

Effect of and Short Title of Act

Sec. 154. Short Title. This Act may be cited as the Uniform Act Regulating Traffic on Highways.

Sec. 155. Constitutionality. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 156. Repeal of Inconsistent Laws. All laws or parts of laws inconsistent or conflicting with the provision of this Act are hereby repealed, provided, however, that nothing in this Act is intended to repeal provisions of Section 1 of Chapter 88, of the Acts of the Forty-first Legislature, Second Called Session, 1929, as amended by Chapter 23, Acts of the Forty-first Legislature, Fifth Called Session, 1930, and Chapter 110, Acts of the Forty-seventh Legislature, Regular Session, 1941, or House Bill No. 407, Page 602, Volume 1, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Chapter 187, Acts of the Forty-seventh Legislature, Regular Session, 1941.

If there be a conflict between any of the provisions of this Act and the

orders, rules, regulations, and requirements of the Interstate Commerce Commission or the Railroad Commission of Texas, relating to the equipping, and other safety requirements of vehicles, motor vehicles, truck tractors, trucks, buses, trailers, semi-trailers, or pole-trailers, compliance by the owner or operator of such vehicles with such orders, rules, and regulations of the Interstate Commerce Commission or the Railroad Commission of Texas shall be deemed a compliance with this Act; except that any requirements of this Act in addition to, but not in conflict with, the requirements of the Interstate Commerce Commission or the Railroad Commission shall be complied with.

Sec. 157. Emergency Clause. The fact that present laws regulating traffic on highways are obsolete or inadequate for curbing of highway fatalities by failure to provide uniform and modern regulations creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills be read on three separate days, be suspended, and also that the Constitutional Rule which provides that laws shall not become effective until the expiration of ninety (90) days after the adjournment of the Session be suspended, and such Rules are hereby suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

H. C. R. No. 174, Instructing the Enrolling Clerk to correct H. B. No. 333.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill 521

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
June 4, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 521, beg leave to report that we have considered the same and recommended that it do pass in the form and text hereto attached.

KELLEY of Hidalgo
WINFIELD
PHILLIPS
RAMSEY
TYNAN

On the Part of the Senate.

EDWARDS
KILGORE
BELL
KAZEN
CELAYA

On the Part of the House.

H. B. No. 521

By: Edwards

A BILL

To Be Entitled

"An Act amending Section 5 of the Acts of 1943, Forty-eighth Legislature, Page 94, Chapter 68, being Article 5172a, Vernon's Texas Statutes, exempting employees engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables for a certain period of time; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 5 of the Acts of 1943, Forty-eighth Legislature, Page 94, Chapter 68, being Article 5172a, Vernon's Texas Statutes, is hereby amended so as to hereafter read as follows:

"Section 5. The four (4) preceding Sections shall not apply to stenographers and pharmacists, nor to mercantile establishments, nor telephone and telegraph companies in rural districts, and in cities or towns or villages of less than three thousand (3,000) inhabitants as shown by the last preceding Federal Census, nor to superintendents, matrons and nurses and attendants employed by, in, and about such orphans' homes as are charitable institutions not run for profit, and not operated by the State, and all employees who are engaged in the first

processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables. In case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked; but for such time not less than double time shall be paid such female with her consent."

Sec. 2. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

House Concurrent Resolution 166

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 166, Authorizing the Enrolling Clerk to show H. B. No. 85 passed subject to provisions of Sec. 49-a of Art. III of the Constitution of the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 162

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 162, Authorizing the Governor of Texas to issue a proclamation designating Alfalfa Day throughout Texas.

The resolution was read and was adopted.

Conference Committee on House Bill 321

Senator Aikin called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 321 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Aikin, Lane, Taylor, Proffer, and Knight.

Message from the Governor

The following message received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor.

Austin, Texas,
June 5, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Texas Prison Board to fill the unexpired term of Claude K. McCan of Victoria, resigned, term to expire February 2, 1951:

Henry G. Womble of Caldwell, Burleson County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

House Bill 61 on Third Reading

Senator Tynan moved to suspend the regular order of business to take up House Bill No. 61 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Knight
Brown	Moffett
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Winfield
Kelley of Hidalgo	York

Nays 7

Hardeman	Stewart
Kelly of Tarrant	Taylor
Lane	Weinert
Morris	

Absent

Carney	Vick
Ramsey	

The President then laid before the Senate on its third reading and final passage:

H. B. No. 61, A bill to be entitled "An Act providing for the establishment of a Medical Branch of the University of Texas in San Antonio or Bexar County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus Federal or other suitable properties for said Medical Branch; authorizing the Board of Regents to contract, etc.; and declaring an emergency."

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of the bill.

Committee Substitute House Bill 210 on Third Reading

Senator Parrish moved to suspend the regular order of business to take up C. S. H. B. No. 210 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Brown	Parrish
Bullock	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	Winfield
Kelley of Hidalgo	York
Knight	

Nays—4

Lane	Taylor
Morris	Weinert

Absent

Carney	Phillips
Kelly of Tarrant	

The President then laid before the Senate on its third reading and final passage:

C. S. H. B. No. 210, A bill to be entitled "An Act making an emergency appropriation to The Texas Technological College, at Lubbock, Texas, and The West Texas State Teachers College at Canyon, Texas, out of any money in the State Treas-

ury not otherwise appropriated, designating the purpose for which said funds are to be used; providing that said funds are to be available immediately; and declaring an emergency."

The bill was read third time and was passed.

House Bill 11 on Third Reading

Senator Cousins moved to suspend the regular order of business to take up House Bill No. 11 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Brown	Parrish
Bullock	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Lane	

Nays—5

Hardeman	Taylor
Kelly of Tarrant	Weinert
Morris	

Absent

Carney	Phillips
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The President then laid before the Senate on its third reading and final passage:

H. B. No. 11, A bill to be entitled "An Act creating Lamar State Technological College at Beaumont, Texas; providing for work at said college suitable to a college of sciences, industries, business, arts, general education, and technical education; providing for the organization, control and management thereof, the appointment of a board of regents and the selection of a president, the division of its work into branches of sciences, industries, business, arts, education and technical training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; providing for the acquisition of additional land where necessary for the enlargement of the work of said col-

lege; granting to said college the right of eminent domain; requiring biennial reports to the legislature; etc., and declaring an emergency."

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of the bill.

House Bill 184 on Second Reading

On motion of Senator Cousins, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 184, A bill to be entitled "An Act authorizing the trustees of any Union Junior College District in Texas, when the Legislature shall create a State-supported college or university of first class offering at least four years of college work within the boundaries of such Union Junior College District, to transfer the corporeal properties and facilities of such Union Junior College District to such State-supported college upon such terms and conditions as said Board of Trustees shall deem advisable; providing that after the transfer of such corporeal properties and facilities of such Union Junior College District the Board of Trustees of such Union Junior College District shall thereafter be authorized to annually levy and collect an ad valorem tax sufficient only to pay the current interest and create a sinking fund to retire the bonded indebtedness of such district and the expenses of collecting such taxes and paying such bonded indebtedness, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 184 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 184 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Brown	Moffett
Bullock	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Stewart
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Winfield
Knight	York

Nays—2

Taylor	Weinert
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Absent

Carney	Vick
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 237 on Third Reading

Senator Harris moved to suspend the regular order of business to take up H. B. No. 237 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moffett
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Winfield
Kelley of Hidalgo	York
Knight	

Nays—7

Hardeman	Stewart
Kelly of Tarrant	Taylor
Lane	Weinert
Morris	

Absent

Carney	Vick
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The President then laid before the Senate on its third reading and final passage:

H. B. No. 237, A bill to be entitled "An Act authorizing, empowering and directing the State Board of Control to purchase site for and construct at a total cost of not to exceed \$1,500,000.00, of which amount the purchase price of the site therefor shall not exceed 10%, within not more than five miles from the city limits of Dallas, Texas, State Cancer and Pellagra Hospital as defined in Chapter 185 of the General and Special Laws of the 41st Legislature, Regular Session, 1929, and the Dallas Psychopathic Hospital, as defined in Chapter 2, Article 3192, Revised Civil Statutes, 1925, and both of which shall compose the Dallas State Hospital, as created by Chapter 47, Section 1, of the General and Special Laws of the 42nd Legislature, Regular Session, 1931; and appropriating for said purpose the sum of \$1,500,000.00, and providing for the conduct and maintenance thereof; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Hardeman and Bullock asked to be recorded as voting "nay" on the final passage of the bill.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 51, To amend Article 1302 of the Revised Civil Statutes of Texas by adding to said Article 1302 a new subdivision providing that corporations may be formed for the protection and advancement of the professional interests of persons licensed to practice law, the advancement of justice and the science of jurisprudence, the encouragement of cordial intercourse among lawyers, and the improvement of the relations between the Bench and Bar and the public with power to provide and maintain suitable buildings for the conduct of their activities; etc., and declaring an emergency.

The House has adopted the Conference Committee Report on House Bill No. 831 by a vote of 121 ayes and 0 noes.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

(President pro tempore in the Chair.)

House Bill 384 on Third Reading

Senator Stanford moved to suspend the regular order of business to take up House Bill No. 384 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Brown	Knight
Bullock	Moffett
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Stanford
Harris	Stewart
Hazlewood	Tynan
Jones	Winfield
Kelley of Hidalgo	York

Nays—7

Carney	Strauss
Lane	Taylor
Morris	Weinert
Ramsey	

Absent

Vick

The President pro tempore then laid before the Senate on its third reading and final passage:

H. B. No. 384, An Act making an appropriation of Two Hundred and Fifty Thousand Dollars (\$250,000) to be used for constructing and equipping additional units to the Texas Memorial Museum; and declaring an emergency.

The bill was read third time and was passed.

House Bill 695 on Third Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the

regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 695, A bill to be entitled "An Act to amend Sections Nine (9) and Twelve (12) of Senate Bill No. 477, Acts 1937, 45th Legislature, page 1494-a. Chapter 506, relating to the purchase and redemption of property sold at tax foreclosure sales; providing methods for resale of property bought by taxing units or in the name of officers thereof, at tax foreclosure sales; validating certain sales heretofore made; limiting the times within which certain actions may be commenced attacking certain sales; providing that if any part, paragraph or provision of this Act be held invalid, such holding shall not affect the validity of any other part, paragraph or provision thereof; and declaring an emergency."

The bill was read third time.

Senator Chadick offered the following amendment to the bill:

Amend House Bill No. 695 by striking out the word "one" in line 48, page 2, of printed copy and inserting in lieu thereof the word "two."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent

Cousins Taylor

**Motion To Place House Bill 60
on Second Reading**

Senator Chadick moved to suspend the regular order of business to take

up House Bill No. 60 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Stanford
Crawford	Stewart
Kelley of Hidalgo	Tynan
Knight	Vick
Lane	York

Nays—10

Aikin	Proffer
Hardeman	Ramsey
Hazlewood	Strauss
Jones	Weinert
Kelly of Tarrant	Winfield

Absent

Harris Taylor

**House Joint Resolution 35
on Second Reading**

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 35, Proposing an amendment of Section 10 of Article VIII of the Constitution of the State of Texas to provide that a county or any group of adjoining counties may by majority vote of the qualified voters of such county or counties may retain all of the taxes collected for the general fund of the State on property in such counties.

The resolution was read second time and was passed to third reading.

**House Joint Resolution 35
on Third Reading**

Senator Strauss moved that the Senate rule requiring Joint Resolutions to be read on three several days be suspended and that H. J. R. No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York
Lane	

Nays—1

Taylor

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Brown	Parrish
Carney	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield
Moffett	York
Morris	

Absent

Aikin	Chadick
Bullock	

(President in the Chair.)

Invitation from Staff of Governor's Office

The President directed the Secretary to read the following communication from the Governor's office:

Executive Department
Austin, Texas
June 4, 1947

Honorable Allan Shivers
Lieutenant Governor
Senate Chamber

Dear Governor Shivers:

The Staff of the Governor's Office will hold Open House for the Mem-

bers of the Legislature and their families and the employees of the Legislature in the Governor's Reception Room from 4:00 until 6:00 Thursday afternoon.

I shall be grateful if you will extend an invitation to the Members and employees of the Senate to visit us at that time.

Cordially yours,
BEAUFORD H. JESTER.

House Joint Resolution 36
on Passage to Third Reading

Senator Morris moved to call House Joint Resolution No. 36 from the table for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Parrish
Brown	Proffer
Bullock	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Morris	

Nays—7

Carney	Moffett
Harris	Strauss
Knight	Weinert
Lane	

Absent

Chadick	Phillips
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(President pro tempore in the Chair.)

The President pro tempore then laid before the Senate on its passage to third reading:

H. J. R. No. 36, Proposing an amendment to the Constitution of the State of Texas so as to provide that all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, constables, deputy constables, and precinct law enforcement officers shall be compensated on a salary basis in all of the counties in this State beginning January 1, 1948; providing for submission of this amendment to the vote of the

people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

The resolution having been read second time on Monday, April 14, 1947.

Question—Shall the resolution be passed to third reading?

Senator Strauss offered the following amendment to the resolution:

Amend H. J. R. No. 36, line 4, section 61, by changing the word "shall" to "may."

On motion of Senator Morris, the amendment was tabled.

Senator Strauss offered the following amendment to the resolution:

Amend H. J. R. No. 36 by adding a new section to read as follows:

"Provided however that in counties of under 20,000 population according to the last preceding Federal Census there shall be no more than two (2) Justices of the Peace offices and no more than two (2) constables in such county."

Senator Morris moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—18

Brown	Moffett
Bullock	Morris
Cousins	Parrish
Hardeman	Stanford
Hazlewood	Stewart
Jones	Taylor
Kelley of Hidalgo	Tynan
Knight	Vick
Lane	Winfield

Nays—10

Aikin	Proffer
Carney	Ramsey
Crawford	Strauss
Harris	Weinert
Kelly of Tarrant	York

Absent

Chadick	Phillips
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The resolution was then passed to third reading.

House Joint Resolution 36 on Third Reading

Senator Morris moved that the Senate rule requiring House Joint Resolutions to be read on three several days be suspended and that H. J. R. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Knight	Winfield
Lane	York

Nays—4

Carney	Strauss
Kelly of Tarrant	Weinert

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—21

Aikin	Parrish
Brown	Phillips
Bullock	Proffer
Chadick	Ramsey
Cousins	Stanford
Hardeman	Stewart
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Moffett	York
Morris	

Nays—7

Carney	Lane
Crawford	Strauss
Kelly of Tarrant	Weinert
Knight	

Absent

Harris	Taylor
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Report of Conference Committee on House Bill 321

Senator Aikin submitted the following report:

Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 321, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

AIKIN
KNIGHT
LANE
TAYLOR
PROFFER

On the part of the Senate.

EDWARDS
SPENCER
GUFFEY
SHARP
GILMER

On the part of the House.

H. B. No. 321 By Spencer, et al.

A BILL

To Be Entitled

"An Act amending Chapter 234, General Laws enacted by the Forty-ninth Legislature, at its Regular Session in 1945 (Article 2815j-2, Vernon's Revised Texas Civil Statutes), by adding thereto a new Section to be numbered Section 3a, making an emergency appropriation for the support, maintenance, operation, and improvement of the Public Junior Colleges which have been created and established since the biennial appropriation made by the Forty-ninth Legislature in 1945; validating all of such colleges; providing said validation shall not apply to or affect any district involved in litigation; providing that said appropriation shall be governed by all the applicable provisions of the Act hereby amended; making appropriations for Panola Junior College for the fiscal years beginning September 1, 1947, and September 1, 1948 in the event such College now being created is fully voted and created, providing further that such appropriation is made with all provisions and limitations, as far as applicable, set out in House Bill 52 of the Fiftieth Legislature; providing a saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Chapter 234, General Laws enacted by the Forty-ninth Legislature at its Regular Session in 1945 (Article 2815j-2, Vernon's Revised Texas Civil Statutes) be and the same is hereby amended by adding thereto a new Section to be entitled Section 3a, to read as follows:

"Section 3a. There is hereby appropriated from moneys in the State Treasury not otherwise appropriated for the support, maintenance, operation and improvement of the Public Junior Colleges of Texas as named in this Act the sum of Thirty-two Thousand, Five Hundred Dollars (\$32,500), or so much thereof as may be necessary, for the fiscal year ending August 31, 1947; provided that this appropriation shall be apportioned on a per capita basis among the following Junior Colleges:

Navarro County Junior College at Corsicana

Henderson County Junior College at Athens

Howard County Junior College at Big Spring

Southwest Texas Joint County Junior College at Uvalde

Wharton County Junior College at Wharton

Odessa Junior College at Odessa

"This is an emergency appropriation made from the effective date of this Act for the remainder of the fiscal year ending August 31, 1947, to the Junior Colleges named in this Act, which have been created and established since the biennial appropriation made in 1945 by the Act hereby amended.

"All the provisions of said Chapter 234, Acts of the Forty-ninth Legislature, 1945, shall apply to this Section, so far as applicable."

Sec. 2. There is hereby appropriated from moneys in State Treasury not otherwise appropriated for the support, maintenance, operation and improvement of the Panola Junior College at Carthage, Texas, the sum of Fifteen Thousand Dollars (\$15,000) for the fiscal year beginning September 1, 1947; and the sum of Fifteen Thousand Dollars (\$15,000) for the fiscal year beginning September 1, 1948 in the event such college now being created is fully voted and created, and provided further that such appropriation is granted with all of the provisions and limitations, so far as applicable, as set out in

House Bill No. 52 of the Fiftieth Legislature of the State of Texas.

Sec. 3. Should any portion, section, sentence, clause, phrase, or word in this Act be unconstitutional or void, same shall in nowise affect and render invalid any other portion of this Act, and the Legislature declares that it would have passed and enacted all the remaining portions of this Act.

Sec. 4. The fact that the Junior Colleges herein named have been established since the biennial appropriation for Public Junior Colleges made by the Forty-ninth Legislature in 1945, and therefore were not included in that appropriation, and that they should share, on a per capita basis, with other Public Junior Colleges of the State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	York

Nays—1

Weinert

Absent

Phillips	Winfield
Tynan	

(President in the Chair.)

Motion To Place House Bill 571 on Second Reading

Senator Stewart moved to suspend the regular order of business to take up House Bill No. 571 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—12

Aikin	Knight
Brown	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Stewart
Crawford	Vick

Nays—16

Chadick	Moffett
Hardeman	Parrish
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Lane	York

Absent

Ramsey	Stanford
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House Bill 888 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading:

H. B. No. 888, A bill to be entitled "An Act amending H. B. 295, Acts of the 50th Legislature, R. S., 1947, by adding thereto a provision to be entitled Section 1(a) of Article I providing that all school districts containing an area of one hundred seventy-five (175) square miles or more shall be entitled to receive State aid as provided for in H. B. 295, Acts of the 50th Legislature; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 888 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 888 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Bullock
Brown	Carney

Chadick	Moffett
Cousins	Morris
Crawford	Parrish
Hardeman	Stewart
Harris	Taylor
Hazlewood	Tynan
Jones	Weinert
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York

Nays—4

Knight	Stanford
Lane	Strauss

Absent

Phillips	Ramsey
Proffer	Vick

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 428 Signed

The President signed in the presence of the Senate, after giving due notice thereof, Senate Bill No. 428.

Recess

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Harris moved that the Senate recess to 3:30 o'clock p. m., today.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Carney	Strauss
Chadick	Tynan
Lane	Vick
Ramsey	Weinert
Stewart	York

Nays—19

Aikin	Knight
Brown	Moffett
Bullock	Morris
Cousins	Parrish
Crawford	Phillips
Hardeman	Proffer
Harris	Stanford
Jones	Taylor
Kelley of Hidalgo	Winfield
Kelly of Tarrant	

Absent

Hazlewood

Question next recurring on the motion of Senator Harris, it prevailed.

The Senate, accordingly, at 12:20 o'clock p. m., took recess to 3:30 o'clock p. m., today.

Afternoon Session

The Senate met at 3:30 o'clock p. m., and was called to order by the President.

Communication from U. S. Senator W. Lee O'Daniel

The President laid before the Senate and directed the Secretary to read the following communication:

United States Senate
May 29, 1947

My Dear Governor:

From the newspaper I have learned of the passing of the Honorable Fred Mauritz in the El Campo hospital. This, while not unexpected, came as a shock to me as it did to his almost countless friends throughout Texas.

I considered Senator Fred Mauritz an exceptional legislator and one of the finest and most patriotic citizens I have had occasion to know. He will be missed in the legislative halls of the State of Texas. His clear thinking and courageous actions in behalf of all the people of Texas have written his name in imperishable memory of all who legislate so long as the Republic stands.

The State of Texas has lost a great and courageous soul. The Members of the Legislature have lost a brilliant leader and a wise counselor. Permit me to join with you and his fellow legislators in a sincere expression of sympathy to his immediate family.

With the kindest of personal regards, I am

Sincerely,
W. LEE O'DANIEL,
United States Senator
Texas.

Hon. Allan Shivers
Lt. Governor
State of Texas
Austin, Texas.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 172, Suspending the Joint Rules so that the House may take up House Joint Resolution No. 32.

H. C. R. No. 175, Suspending the Rules so that Senate Bill No. 325 may be considered at any time.

H. C. R. No. 177, Suspending the Joint Rules so that the House may consider House Bill No. 363 at any time.

H. C. R. No. 182, Suspending the Joint Rules so that the House may consider House Bills Nos. 556, 805, 869, 871, and 883 at any time.

H. C. R. No. 176, Suspending the Joint Rules of both Houses so that Senate Bill No. 334 may be considered by the House at any time before sine die adjournment.

H. C. R. No. 187, Suspending the Joint Rules so that the House may consider Senate Bill No. 273 at any time.

H. C. R. No. 170, Suspending the Joint Rules so that House Bill No. 870 may be considered at any time.

H. C. R. No. 181, Authorizing the Enrolling Clerk of the House to make certain correction in House Bill No. 738.

H. C. R. No. 184, Suspending the Joint Rules so that House Bill No. 42 may be considered at any time.

H. C. R. No. 180, Suspending the Joint Rules so that House Bill No. 18 may be considered at any time.

H. C. R. No. 178, Suspending the Joint Rules so that House Bill No. 386 may be considered at any time.

H. C. R. No. 183, Suspending the Joint Rules so that House Bill No. 628 may be considered.

H. C. R. No. 199, Recalling Senate Bill No. 428 from the Governor.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 187

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to consider at this time:

H. C. R. No. 187, Suspending Joint Rules to permit the House to consider S. B. No. 273.

The resolution was read and was adopted.

House Concurrent Resolution 175

Senator Lane moved to suspend the regular order of business to take up H. C. R. No. 175 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moffett
Bullock	Morris
Carney	Proffer
Chadick	Ramsey
Crawford	Stanford
Harris	Stewart
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Knight	Vick
Lane	Weinert

Nays—5

Jones	Winfield
Parrish	York
Phillips	

Absent

Brown	Kelley of Hidalgo
Cousins	Strauss
Hardeman	

The President then laid before the Senate for consideration at this time:

H. C. R. No. 175, Suspending Joint Rules to permit the House to consider S. B. No. 325.

The resolution was read and was adopted.

Motion to Take Up House Concurrent Resolution 176

Senator Aikin moved to suspend the regular order of business to take up H. C. R. No. 176 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Lane
Bullock	Morris
Chadick	Parrish
Crawford	Phillips
Hardeman	Proffer
Hazlewood	Ramsey
Jones	Vick
Knight	York

Nays—10

Brown	Stewart
Carney	Strauss
Harris	Taylor
Kelly of Tarrant	Tynan
Moffett	Weinert

Absent

Cousins	Stanford
Kelley of Hidalgo	Winfield

Senate Concurrent Resolution 57

Senator Kelly of Tarrant offered the following resolution:

S. C. R. No. 57, Suspending the twenty-four hour rule to permit the House to consider certain Senate bills.

Be it resolved by the Senate, the House of Representatives concurring, That the twenty-four hour Joint Rule be, and the same is hereby suspended, so that the House of Representatives may take up and consider Senate Bills No. 426, 376, 430, 200, and 428.

The resolution was read.

Senator Kelly of Tarrant moved to suspend Senate Rule 44 in order to consider the resolution immediately.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Moffett
Brown	Parrish
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Vick
Jones	Weinert
Kelly of Tarrant	York
Knight	

Nays—9

Bullock	Proffer
Carney	Ramsev
Chadick	Taylor
Morris	Tynan
Phillips	

Absent

Cousins	Lane
Kelley of Hidalgo	Winfield

(Senator Strauss in the Chair.)

Report of Conference Committee on Senate Bill 172

Senator Harris called for consideration at this time the report of the Conference Committee on S. B. No. 172.

Question recurring on the report, it was adopted.

Record of Votes

Senators Phillips, Hardeman, Knight and Chadick asked to be recorded voting "nay" on the adoption of the report.

Report of Conference Committee on Senate Bill 181

Senator Proffer called for consideration at this time the report of the Conference Committee on S. B. No. 181.

Question recurring on the report, it was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By unanimous consent, the House agreed to amend the caption of all local and uncontested bills to conform to the body of the bill.

S. B. No. 277, A bill to be entitled "An Act amending Article 600a, Section 5, Revised Civil Statutes of Texas of 1925, so as to provide that applications for an issuer's permit may be made by registered dealer as well as the issuer, and so as to provide that the required financial statements shall be of a day not more than ninety (90) days prior to the date such application is filed; amending Article 600a, Section 6, Revised Civil Statutes of Texas of 1925, so as to provide that foreign issuers must appoint the Secretary of State an attorney for service of process

only as to actions arising out of transactions subject to the Securities Act; amending Article 600a, Section 8, Revised Civil Statutes of Texas of 1925, so as to provide certain amended conditions precedent to the issuance of permits to sell securities and providing that a prospectus containing certain information must be delivered to the purchaser of securities registered under the Act; amending Article 600a, Section 9, Revised Civil Statutes of Texas of 1925, so as to provide different requirements incident to the issuance of renewal certificates; amending Article 600a, Section 24, Revised Civil Statutes of Texas of 1925, so as to provide different requirements incident to contents of circulars, advertisements, prospectus, programs or other matter in the nature thereof, and different requirements for the continuance of the sale of securities by dealers, salesmen and others; amending Article 600a, Section 34, Revised Civil Statutes of Texas of 1925 so as to provide that the Securities Commissioner shall receive a salary not exceeding Five Thousand Six Hundred (\$5,600) Dollars per annum and creating three new offices, one designated as Deputy Securities Commissioner, one as Chief Securities Analyst and Auditor and one as Chief Legal Examiner and providing a maximum salary of Five Thousand (\$5,000) Dollars per annum for the Deputy Securities Commissioner and Four Thousand Eight Hundred (\$4,800) Dollars per annum for the Chief Securities Analyst and Auditor and Four Thousand Five Hundred (\$4,500) Dollars per annum for the Chief Legal Examiner; amending Article 600a, Section 35, Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, 45th Legislature, page 611, Chapter 401, Section 1, so as to provide that the fee for the issuance of a permit to sell securities shall be calculated on the offering price of such securities, and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act amending the Acts of 1937, 45th Legislature, page 769, Chapter 371, relating to fixing the limitations and jurisdiction of the 19th, 54th and 74th District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide the Judges of said courts to exchange benches; authorizing either of said Judges to

sit in either of said courts, authorizing the transfer of a case from either of said courts to another one thereof; to provide continuous terms thereof in all the said District Courts; providing that if either of said courts be in session at the time this Act takes effect the term of said court then in progress shall continue until and including the Sunday next preceding the date for the beginning of the next succeeding term; and providing that if any part of this law shall be declared unconstitutional, it is hereby declared the intent of the Legislature to pass all Constitutional portions thereof notwithstanding; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act making an emergency appropriation to the State Treasurer of Eighteen Hundred Dollars (\$1,800.00) out of any moneys in the State Treasury, not otherwise appropriated, for the remainder of the fiscal year ending August 31, 1947, for the purpose of paying express charges on shipments of tax stamps; and declaring an emergency."

S. B. No. 431, A bill to be entitled "An Act amending Section 12, Section 14, and Section 16 of Chapter 120, Acts Regular Session, 44th Legislature, Page 318, and declaring an emergency."

S. B. No. 435, A bill to be entitled "An Act providing that whenever any city or town incorporated under general law or having a special charter may have outstanding unpaid revenue bonds issued for the purchase price, in whole or in part, of wharf and terminal facilities, or an interest therein, theretofore purchased by such city or town, which are subject to call and redemption prior to their maturity and are secured by an encumbrance on such wharf and terminal facilities, or an interest therein, and a pledge of the revenues thereof, such city or town, through its governing body subject to the requirements, conditions and restrictions prescribed in this act, may issue its negotiable bonds to be paid with taxes for the purpose of redeeming such revenue bonds, prescribing rights of such city or town to participation in the revenues of such wharf and terminal facilities upon the redemption of such revenue bonds so made, providing that the right of any city or town to payment from revenues of the prop-

erties created by contract under which revenue bonds have been issued shall remain in force unaffected by this Act; and declaring an emergency."

S. B. No. 433, A bill to be entitled "An Act providing for the appointment and compensation of deputies, assistants, and employees in all County and District offices except the District Attorney and the Criminal District Attorney in counties having a population of more than three hundred thousand (300,000) inhabitants and less than five hundred thousand (500,000) inhabitants, according to the last preceding Federal Census; and repealing Senate Bill No. 303, Acts 1947, 50th Legislature, and all other laws in conflict herewith, as applied to counties within the provisions of this Act; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act making an emergency appropriation for the State Board of Control for the balance of the fiscal year ending August 31, 1947, being an appropriation available immediately; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act repealing Subsection 7 of Section 2, Acts 1937, 45th Legislature, Page 1352, Chapter 502; and amending Section 7, Acts 1937, 45th Legislature, Page 1352, Chapter 502, to include certain amendments and added Sections to Articles 8306 and 8307, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 40, and House Bill 10, Acts 1947, 50th Legislature; providing a savings clause and declaring an emergency."

S. B. No. 382, A bill to be entitled "An Act to create and dedicate the Port Isabel Lighthouse, in the County of Cameron, State of Texas, as a State Historical Site; to rehabilitate, protect and preserve said Historical Site and place same under the care and protection of the State Parks Board; making an appropriation; and declaring an emergency."

S. B. No. 378, A bill to be entitled "An Act to amend Article 1058, Code of Criminal Procedure, providing that bailiffs shall receive the sum of Five (\$5.00) Dollars per day compensation for their services; and declaring an emergency."

S. B. No. 379, A bill to be entitled

"An Act amending Section 3, page 76, Chapter 46, Acts 1937, Regular Session, Forty-fifth Legislature, otherwise known as Article 5142b, Vernon's Annotated Civil Statutes of Texas; as amended by Acts 1943, page 450, Chapter 299, Regular Session, Forty-eighth Legislature; and declaring an emergency."

S. B. No. 377, A bill to be entitled "An Act providing for a county unit school system in certain counties if authorized by majority vote of the qualified voters; providing for the petition, notice of election and ballot, for supervision by the County Board of Trustees; providing for the petition and election for the tax and for the assessment and collection thereof and the segregation as a county equalization fund; providing for the bond of the Tax Collector; for the distribution of the taxes collected; and for the operation and effect of this Act; providing for a savings clause in case of partial invalidity, and declaring an emergency."

S. B. No. 138, A bill to be entitled "An Act authorizing and instructing the State Board of Control to sell three (3) lots located in the City of Jefferson, Marion County, Texas, at private or public sale, and reserving a 1/16th free royalty mineral interest; and providing that the Chairman of the State Board of Control may execute a deed of conveyance; providing for disposal of the funds, and declaring an emergency."

S. B. No. 125, A bill to be entitled "An Act authorizing and empowering all incorporated cities and towns of Texas to grant the use of a portion of the streets and sidewalks of such cities and towns for private purposes, for such considerations and upon such terms as they may prescribe, provided such private use shall not substantially interfere with the public use of such streets and sidewalks, or create any hazard or dangerous condition thereon, and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act authorizing the creation of public hospital districts by the Commissioners' Courts; providing for a petition by the qualified taxpaying voters defining said districts and requesting the issuance of bonds and the levying of a tax for the payment

thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners' Court prior to said election or elections; etc., and declaring an emergency." (With amendments.)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Joint Resolution 7**

Senator Moffett called for consideration at this time the Conference Committee Report on H. J. R. No. 7.

Question recurring on the report, it was adopted by the following vote:

Yeas—23

Aikin	Moffett
Brown	Phillips
Bullock	Proffer
Carney	Ramsey
Chadick	Stanford
Cousins	Stewart
Crawford	Taylor
Hardeman	Tynan
Harris	Vick
Jones	Weinert
Knight	Winfield
Lane	

Nays—3

Kelly of Tarrant	Strauss
Morris	

Absent

Hazlewood	Parrish
Kelley of Hidalgo	York

**Report of Conference Committee on
House Bill 727**

Senator Winfield submitted the following report:

Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 727, have met and considered said bill, and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

HARRIS
STRAUSS
WINFIELD

On the Part of the Senate.

CELAYA
WHITWORTH
HANNA
KILGORE,

On the Part of the House.

H. B. No. 727 By: Celaya et al.

A BILL

To Be Entitled

"An Act amending certain Sections and Subsections of the Texas Liquor Control Act, the same being Acts 44th Legislature, Second Called Session, page 1795, Chapter 467, as amended; adding additional Sections to said Act to further regulate and control the manufacture, sale and traffic in liquor and other alcoholic beverages; to provide for local option elections in counties, justices precincts, and incorporated cities and towns to determine by vote of the qualified electors thereof whether or not the sale of liquor and other alcoholic beverages shall be legal in such counties, justices precincts, or incorporated cities or towns; amending Section 11, Article I of said Act, as amended, providing that the Board or Administrators shall refuse to issue permits on certain grounds; amending Section 13, Subsections (a), (b), (c) and (d) of Article I of said Act, as amended, fixing the terms of such permits, providing that any permit or license is a personal privilege, providing the conditions under which any permit or license is granted and the status thereof as property, and providing upon the death of the permittee or licensee, or upon dissolution of a partnership or in case of receivership or bankruptcy, any person having an interest therein may secure permission to operate the business thereunder; providing for the disposition of alcoholic beverages at the termination of any permit or license; providing that the acceptance of a permit or license constitutes an express agreement and consent of the permittee or licensee for peace officers to enter upon the licensed premises for the purpose of inspections and investigations; amending Section 15 (15) of Article I of said Act, as amended, providing for the issuing of storage permits; amending Section 17, Subsections (1) and (2) of Article I of said Act, as amended, enumerating unlawful acts of per-

mittees or other persons, prohibiting certain licensees and permittees to have an interest in other permits or licenses or liquor business, and defining terms; amending Article I of said Act by adding certain new sections providing for an assistant administrator and defining his duties, fixing the salary of the Administrator and making supplemental appropriation to pay same; providing that nothing herein shall change, alter or affect the terms of office of the present members of the Board; making it unlawful for the holders of Distiller's or Rectifier's Permits or any officer, agent or employee thereof to have interests or affiliations with the holder of any Wholesaler's Permit, and vice versa; providing that it shall be unlawful for the holder of any wholesaler's permit to own, have, possess or sell any liquor manufactured, distilled or rectified by any person, firm or corporation who or which is directly or indirectly affiliated with such holder of a wholesaler's permit, whether such affiliation be corporate or by management, direction or control, or by or through any officer, director, agent or employee; provided, that this shall not apply to the holder of a wholesaler's permit who held a wholesaler's permit on January 1, 1941, and continuously since that date, and who was so affiliated on that date, and also was on January 1, 1941, selling liquors manufactured, distilled or rectified by such affiliate; providing that in any county in this State where the sale of one or more types of alcoholic beverages therein is lawful, or may hereafter be legalized by county-wide vote, it shall be lawful, nevertheless, to prohibit, under the provisions of this Act, the sale of one or more of such types in any justice's precinct or incorporated city or town of such county; when any county in this State, subsequent to the adoption of the present Section 20 of Article 16 of the State Constitution, shall have prohibited the sale of one or more types of alcoholic beverages therein, such prohibition shall be in force in all parts of the county, except within the limits of any justice's precinct or incorporated city or town within such county which may legalize thereafter, by local option, under the provisions of this Act, the sale therein of one or more of such types of alcoholic beverages; providing that when

any justice precinct in this State, subsequent to the adoption of the present Section 20 of Article 16 of the State Constitution, shall have prohibited the sale of one or more types of alcoholic beverages therein, such prohibition shall be in force in all parts of such precinct, except within the limits of an incorporated city or town within such precinct which may legalize thereafter, by local option, under the provisions of this Act, the sale therein of one or more such types of alcoholic beverages; the enactment of this provision shall not affect the existing wet or dry status heretofore established for any area under the Constitution and Laws of this State, except as such status may be changed hereafter under the procedure provided in this Act; providing the procedure for holding local option elections under this Act and for the appointment of supervisors and defining their powers and duties; providing for the suspension or cancellation of permits for breaches of the peace; providing holders of Class B Wholesaler's Permits shall be amenable to Section 17(3), Article I of Texas Liquor Control Act; providing for the cancellation of permits of persons convicted of felony; making it unlawful for any person whose permit has been suspended to sell, offer to sell, distribute or deliver liquor; making it unlawful for holders of Brewer's, Distiller's, Class A Winery, Class B Winery, Rectifier's, Wholesaler's Class B Wholesaler's or Wine Bottler's Permits or any agent, employee, officer, director or firm member and other enumerated persons to own any interest in certain premises where other permittees conduct business; defining "ale," "malt liquor"; making it unlawful to manufacture, import, sell, store or possess for the purpose of sale imitation wine; providing holders of Package Store Permits or Wine-Only Package Store Permits may also hold Local Cartage Permits; providing that if the holder of a Local Cartage Permit be convicted of a violation of the Texas Liquor Control Act, the same shall constitute grounds for cancellation of all permits held by such person; providing for the fees and proper bonds before the issuance of such permits, and providing for the suspension or cancellation of such permits for violation of the Texas

Liquor Control Act, as amended; providing for taxation of distilled spirits; providing that the County Clerk of the county and the City Secretary or Clerk of the city in which application for a license or permit is made shall make a certain certificate giving the status and other required information concerning the location of such application with regard to the sale of alcoholic beverages and whether the sale thereof is prohibited at the place of such application; defining "illicit" property and providing for the forfeiture thereof and for restraining orders and injunctive relief and for the impounding thereof, and for bringing suit for such purposes and the procedure therein and the disposition of the proceeds derived from the sale thereof; amending Section 17 of Article II of said Act, as amended, prohibiting the installation of any barriers or blinds in the openings, windows or doors of any establishment selling beer at retail and prohibiting the painting of windows in certain ways; amending Article II of said Act by adding certain new sections; providing it shall be unlawful for any local or general distributor or manufacturer to employ any person under the age of eighteen (18) years to handle, sell or assist in handling, selling, delivering or distributing any beer, and prohibiting the sale or delivery of beer by the aforesaid persons to any person under the age of twenty-one (21) years; making it unlawful for any retailer of beer to purchase, barter, borrow, exchange or acquire any beer for sale from any retail dealer of beer; making it unlawful for any person to ship or cause to be shipped or imported into the state, or to manufacture and thereafter offer for sale or to distribute, sell or store any beer, ale or malt liquors, unless and until a sample of the same type and quality thereof has been submitted to the Texas Liquor Control Board for analysis and been approved by said Board, and unless and until the label thereof has been submitted to and approved by said Board or its representatives; and any beer, ale or malt liquor so imported in violation of this Section shall be an illicit beverage; and providing for the withdrawal of the approval of any label for violation of the rules and regulations of the Board; providing

that no security for costs shall be required of any representative of the Texas Liquor Control Board in protesting the issuance of permits or licenses; providing for suspension or cancellation of licenses and permits of retail dealers of beer for knowingly allowing or permitting anyone under twenty-one (21) years of age to consume alcoholic beverages on the licensed premises; making it unlawful to sell or offer to sell, distribute or deliver any beer during such period of suspension; making it unlawful for any person licensed to sell beer at retail, his officers, agents, servants or employees to deliver beer at any time during which the sale thereof is prohibited in Section 10 of Article II of the Texas Liquor Control Act, or to be a part to a consignment sale as defined in said Act, or to own any interest in the premises in which such distributor conducts his business; providing for the use of signs on service or delivery equipment and the making of rules governing such; providing that no General Distributor's License, Local Distributor's License or Branch Distributor's License shall be issued to any person upon application, either for an original license or for any license sought to be transferred from another location when the premises for which a license is sought is licensed under a Package Store Permit or a Wine-Only Package Store Permit; providing that the repeal or amendment of any Section or Sections of the Texas Liquor Control Act shall not be retroactive and the enactment of this Act shall not affect or impair any act done or writ vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal or amendment shall take effect, except as to the mode of procedure or matters of practice that have been changed by this Act, which matters of procedure and practice shall, as far as practicable, be in accordance with this Act; providing savings clauses; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; defining the words "Texas Liquor Control Act" with amendments thereto as used in this Act; and declaring an emergency."

Be It Enacted by the Legislature of The State of Texas:

Sec. I. Section 5, Article I, of the

Texas Liquor Control Act be amended so as to read hereafter as follows:

"Section 5. There is hereby created a Board named the Texas Liquor Control Board, consisting of three (3) persons, all of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated by the Governor to be chairman of the said Board, and said members shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten Dollars (\$10) per day for not exceeding sixty (60) days for any one year. Each member at the time of his appointment and qualification shall be a resident of the State of Texas and shall have resided in said State for a period of at least five (5) years next preceding his appointment and qualification, and he also shall be a qualified voter therein. Of the members initially appointed each shall hold office from the date of his appointment for the following respective terms, and until their respective successors shall qualify: One member for two (2) years, one for four (4) years, and one for six (6) years from the effective date of the Act. Each member may be initially appointed on or subsequent to the date this Act goes into effect. The Governor, at the time of making and announcing the appointment of said three (3) members, as well as in the commission issued by him to each of them, shall designate which of said members shall serve for each of the said respective terms, and also which shall be the Chairman of the Board. Upon the expiration of each of said terms, the term of office of each member thereafter appointed shall be six (6) years from the time of his appointment and qualification, and until his successor shall qualify. In case any member shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Board shall be filled by the Governor for the unexpired term. Each member shall be eligible for reappointment in the discretion of the Governor.

"No person shall be eligible for appointment, nor shall hold the office of member of the Board, nor be appointed by the Board, nor hold any office or position under the Board,

who has any connection with any association, firm, person, or corporation engaged in or conducting any alcoholic liquor business of any kind or who hold stocks or bonds therein, or who has pecuniary interest therein, nor shall any such person receive any commission or profit whatsoever from or have any interest whatsoever in any purchase or sales of any alcoholic liquors. The office of the Board shall be in the City of Austin, Texas. The said Board shall meet at such times within the City of Austin as the Board shall determine, and the members thereof shall be entitled to their reasonable expenses for each meeting so attended, and the per diem hereinabove referred to. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Board. The Board shall appoint an Administrator who shall serve at the Board's pleasure, and who shall under the supervision of the Board administer the provisions of this Act. He shall receive a salary of Six Thousand and Six Hundred Dollars (\$6,600) per annum, and shall execute a bond in the sum of Ten Thousand Dollars (\$10,000) payable to the State of Texas, conditioned as the Board shall require.

"There is hereby appropriated the sum of Six Hundred Dollars (\$600) for the year ending August 31, 1948, and the sum of Six Hundred Dollars (\$600) for the year ending August 31, 1949, which amounts are to supplement the amounts appropriated in the General Appropriation Bill for State Departments to pay the salary of the Administrator. The amounts appropriated herein shall be paid out of the funds collected from the sale of spirits, wine and beer stamps in the proportions that the total revenue received therefrom bear to one another.

"The Board of Administrators shall appoint all necessary clerks, stenographers, inspectors, and chemists, and other employees to properly enforce the provisions of this Act.

"No person shall be eligible for any appointment who has any financial connection whatever with any person engaged in or conducting any liquor business of any kind, or who holds stock or bonds therein, or who has any pecuniary interests therein,

nor shall any such person receive any commission or profit whatever from, or have any interest whatsoever in, the purchases or sales made by persons authorized by this Act to manufacture, purchase, sell, or otherwise deal in the liquor business.

"The Administrator shall act as manager, secretary, and custodian of all records, unless the Board shall otherwise order.

"The Administrator shall devote his entire time to said office.

"The Board or Administrator shall fix the duties, salaries, and wages of all employees authorized by this Act, but such compensation, salaries, and wages shall not be greater than the salaries fixed for similar positions and duties in other departments of the State Government. The Board shall likewise have power to require any employee authorized by this Act to give bond for the faithful performance of his duties in such an amount and under such conditions as it may deem adequate and proper. All appointments which have heretofore been made under the terms and provisions of Section 5, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, shall not be affected in any manner by the re-enactment of this particular section as herein contained, but all such appointments shall continue as though this section had not been re-enacted.

"It shall be the duty of the Board, during the month of January of each year, to make a report to the Governor, concerning its administration of this Act. Nothing in this Section shall change, alter, or affect the terms of office of the present members of such Board."

Sec. I-A. Section 11, Article I, of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Section 11. The Board or Administrator shall refuse to issue a permit to any applicant either with or without a hearing if it has reasonable grounds to believe and finds any of the following to be true:

"(1) That the applicant has been convicted for the violation of any provision of this Act during the two (2) years next preceding the filing of his application, or that two (2) years has not elapsed since the termination of any sentence, by pardon or

otherwise, imposed upon the applicant upon conviction for a felony.

"(2) That the applicant has violated or caused to be violated any provision of this Act or any rule or regulation of the Board during the twelve-month period preceding the date of his application.

"(3) That the applicant has failed to answer or has incorrectly answered any of the questions on the application.

"(4) That the applicant is indebted to the State for any taxes, fees, or penalties imposed by this Act or by any rule or regulation of the Board.

"(5) That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad, or that he is under twenty-one (21) years of age.

"(6) That the place or manner in which the applicant may conduct his business is of such a nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants a refusal of a permit.

"(7) That the applicant is in the habit of using liquor to excess.

"(8) That the Board or Administrator believes or has reason to believe that the applicant will sell or knowingly permit any agent, servant, or employee to unlawfully sell alcoholic beverages in dry areas or in any other manner contrary to law.

"(9) That the applicant has any financial interest in any establishment authorized to sell beer at retail, other than as permitted in Section 23 (a) (5) of the Texas Liquor Control Act.

"(10) That any person engaged in the business of selling beer at retail has any financial interest in the business to be conducted under the permit sought by the applicant, other than as permitted in Section 23 (a) (5) of the Texas Liquor Control Act.

"(11) That he is residually domiciled with any person who has any financial interest in any establishment engaged in the business of selling beer at retail or with any person whose permit or license has been cancelled or revoked other than with the consent of the holder thereof within the twelve (12) months preceding the date of the present application for a permit.

"(12) It is hereby declared that

the provisions of this section are required to be applied only to applicants who are newly engaging in the liquor business or whose permits or licenses have been cancelled under any authority contained in this Act.

"As to those applicants seeking renewal of permits, the Board or Administrator shall be vested with discretionary authority to refuse or grant such permits under the restrictions of this Section, as well as under any other pertinent portion of this Act.

"(13) When the word applicant is used in (1) to (11) in this Section, it shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application.

"There shall be sufficient legal reason to deny a permit if it is found that the place, building, or premises for which the permit is sought has theretofore been used for selling alcoholic beverages in violation of law at any time during the six (6) months immediately preceding the date of application, or has during that time been a place operated, used, or frequented in any manner or for any purpose contrary to the provisions of this Act, or so operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, as provided in Article I, of the Texas Liquor Control Act, the Board or Administrator in forming his conclusions shall give due and proper consideration to any recommendations made by the district or county attorney or County Judge or Commissioners Court of the county or the sheriff of the county, and the mayor and chief of police of any incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the Board."

Sec. II. Section 13 (a) (b) (c) and (d) of Article I, of the Texas Liquor Control Act, are amended to hereafter read as follows:

"Section 13. (a) Any permit granted under this Act, except Wine and Beer Retailer's Permits issued to other than a railway dining, buffet, or club car, shall be good for the year in

which issued and ending on August 31st of each year at 12:00 o'clock midnight.

"(b) Any permit or license granted under the terms of either Article I or Article II of this Act shall be a purely personal privilege, revocable in the manner and for the causes herein stated, subject to appeal as hereinafter provided, and shall not constitute property, nor shall it be subject to execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the permittee or licensee; provided, however, that upon the death of the holder of any such permit or license or of any person having an interest therein, or upon the dissolution of any partnership, or conditions involving receivership or bankruptcy, the successor of any such business involved may make application to the County Judge of the county wherein such permit or license is located, and upon certification by the County Judge that such person is the successor in interest of any such business involved, the Board or the Administrator shall, unless good cause for refusal be shown, by letter or by any other form that may be accepted for use by the Board, give permission to such successor in interest to operate said business under the said permit or license; such permission for the use of said permit or license shall thereafter be subject to cancellation for any of the reasons for which a permit or a license may be revoked; and further provided that the Board or the Administrator may cancel or suspend permission to operate on the said permit or license for any of the reasons for which a permit or license may be cancelled or suspended under the terms of this Act. No such permit or license shall be renewed. The then owners, however, may make an original application for a permit or license.

"(c) It is further provided that the Board may, by rule or regulation, provide for the manner and time in which the successor in interest of any deceased, insolvent, or bankrupt permittee or receiver, or of any person whose permit or license has been cancelled, may dispose in bulk of alcoholic beverages left on hand at the termination of the use of any affected permit or license.

"(d) It is expressly provided that

the acceptance of a permit or license issued under either Article I or Article II of this Act shall constitute an express agreement and consent on the part of the permittee or licensee that the Board, any of its authorized representatives, or any peace officer shall have at all times the right and privilege of freely entering upon the licensed premises for the purpose of conducting any investigation or inspecting said premises and for the further purpose of performing any duty imposed upon the Board, its representatives, or any peace officer by this Act."

Sec. III. Section 15 (15) of Article I, of the Texas Liquor Control Act, is amended hereby so as to read hereafter as follows:

"Section 15. (15) Storage Permit. The holders of brewer's, distiller's, winery, rectifier's, wholesaler's, wine bottler's, and class B wholesaler permits shall be authorized to procure Storage Permits. Storage Permits may be issued to store in a public bonded warehouse for which a permit has been issued as well as to store in private warehouses owned and operated by the applicant. A permit must be procured for each place of storage. No Storage Permit shall be granted for any county other than the county in which the business of such holder of the brewer's, distiller's, winery, rectifier's, wholesaler's, wine bottler's, or class B wholesaler permit, respectively, is located; and no Storage Permit shall be issued to be located in any dry area. No permit need be procured by the above named permit holders for the storage of stock in trade kept on the licensed premises. No additional fee shall be paid for Storage Permits."

Sec. IV. Sections 17 (1) and 17 (2) of Article I of the Texas Liquor Control Act are amended hereby so as to read hereafter as follows:

"Section 17. (1) It shall be unlawful for any person holding a Package Store Permit or a Wine-Only Package Store Permit, or owning an interest in a Package Store, or a Wine-Only Package Store, to have any interest, either directly or indirectly, in a Wine or Beer Retailer's Permit, or Beer Retailer's License, or the business thereof. The restriction against any person who is the holder of a Package Store Permit or a Wine-Only Package Store Permit, or the owner

of an interest in a Package Store or a Wine-Only Package Store having any interest either directly or indirectly in a Beer Retail Dealer's Off-Premises License shall not be applicable provided the Package Store Permit or the Wine-Only Package Store Permit and the Beer Retail Dealer's Off-Premises License are issued for the same address."

"Section 17. (2) It shall be unlawful for any person, directly or indirectly, to hold or have an interest in more than five (5) Package Store or Wine-only Package Store Permits, the business thereof, or any interest in such package stores or wine-only package stores. For the purpose of this section a husband shall be deemed to have an interest in all permits in which his wife has any interest, and a wife shall be deemed to have an interest in all permits in which her husband has any interest.

"For the purpose of construing this Section 17 (2), the stockholders of a corporation holding a Package Store Permit or Wine-Only Package Store Permit, the managers, officers, agents, servants and employees thereof, shall be deemed to have an interest in such Permit, in the business of such corporation, and in such package store.

"This provision shall not apply to the stockholders, managers, officers, agents, servants and employees of corporations operating bona fide hotels in cases where the package stores or wine-only package stores operated by such corporations are in such hotels."

Sec. V. Article I of the Texas Liquor Control Act is amended hereby by the addition of new sections to such Article I, numbered and reading as follows:

"Section 5. (a) The Administrator shall choose and designate an Assistant Administrator who shall have the same qualifications as the Administrator. In the absence of the Administrator, or in case of his inability to act, the Assistant Administrator shall perform the duties devolving upon the Administrator by law or by delegation from the Board. At other times he shall perform such duties and have such functions, powers and authority as may be delegated to him by the Administrator. He shall take the constitutional oath, and make a bond in the same amount and conditioned as is the Administrator's bond.

"In the event of a vacancy in the office of Administrator, the Assistant Administrator shall perform the duties of Administrator until an Administrator has been appointed by the Board."

"Section 15 $\frac{1}{4}$. It shall be unlawful for any holder of a Distiller's Permit or Rectifier's Permit, or for any officer, director, agent or employee thereof, or for any affiliate, whether corporate or by management, direction or control, to own, have or hold any interest in the permit, business, assets or corporate stock of the holder of any Wholesaler's Permit.

"It shall be unlawful for the holder of any Wholesaler's Permit to be affiliated with the holder of any Distiller's Permit or Rectifier's Permit, either directly or indirectly, or by or through any officer, director, agent or employee or by management, direction or control."

"Section 15 $\frac{3}{4}$ A. It shall be unlawful for the holder of any wholesaler's permit to own, have, possess or sell any liquor manufactured, distilled or rectified by any person, firm or corporation who or which is directly or indirectly affiliated with such holder of a wholesaler's permit, whether such affiliation be corporate or by management, direction or control, or by or through any officer, director, agent or employee; provided, that this shall not apply to the holder of a wholesaler's permit who held a wholesaler's permit on January 1, 1941, and continuously since that date, and who was so affiliated on that date, and also was on January 1, 1941, selling liquors manufactured, distilled or rectified by such affiliate."

"Section 32-a. In any county in this State where the sale of one or more types of alcoholic beverages therein is lawful, or may hereafter be legalized by county-wide vote, it shall be lawful, nevertheless, to prohibit, under the provisions of this Act, the sale of one or more of such types in any justice's precinct or incorporated city or town of such county. When any county in this State, subsequent to the adoption of the present Section 20 of Article 16 of the State Constitution, shall have prohibited the sale of one or more types of alcoholic beverages therein, such prohibition shall be in force in all parts of the county, except within the limits of any justice's precinct or incorporated city or town within such county which may legalize thereafter,

by local option, under the provisions of this Act, the sale therein of one or more of such types of alcoholic beverages.

"Likewise, when any justice precinct in this State, subsequent to the adoption of the present Section 20 of Article 16 of the State Constitution, shall have prohibited the sale of one or more types of alcoholic beverages therein, such prohibition shall be in force in all parts of such precinct, except within the limits of an incorporated city or town within such precinct which may legalize thereafter, by local option, under the provisions of this Act, the sale therein of one or more such types of alcoholic beverages.

"The enactment of this provision shall not affect the existing wet or dry status heretofore established for any county, justice's precinct or incorporated city or town under the Constitution and Laws of this State, except as such status may be changed hereafter under the procedure provided in this Act."

"Section 36 $\frac{1}{2}$. In any election held under authority of the Texas Liquor Control Act in any city, county or justice's precinct of this State, five per cent (5%) of the qualified voters, but not necessarily more than forty (40) of the qualified voters, of any voting precinct in said city, county or justice's precinct where said election is to be held, may apply in writing to the County Judge for the appointment of one or more supervisors to serve on election day in the polling place of said voting precinct. Said application shall nominate for appointment as supervisor or supervisors in the voting precinct of which the applicants seeking their appointments are resident qualified voters. Upon determination by the County Judge that the above conditions have been complied with in all respects, he shall, not less than three days preceding the date of said election, appoint in writing each supervisor so nominated in said application. Any such supervisor shall be permitted free access to all parts of the polling place so that he can hear the testing of prospective voters and can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks regarding the election while

it is progressing, except to call the attention of the judges or clerks to any irregularity or to any violation of the law that he may observe. It shall be his right to be present at the marking of the ballot of any voter requiring the aid of the judge of said election in marking his ballot, to see that said ballot is marked in accordance with the wishes of the voter and in compliance with the law. He shall have the right to see that each ballot is correctly called and tabulated. Before he shall be permitted to act as supervisor, he shall take an oath, to be administered by the presiding judge, that he will mention and note any irregularities he may observe in testing prospective voters or in counting the votes, and that he will well and impartially truly discharge his duties as supervisor, and will report in writing to the next grand jury all violations of the law and irregularities that he may observe. The supervisors appointed by virtue of the provisions of this Act shall be compensated by the citizens upon whose application they were appointed."

"Section 49. Breach of Peace. The Board or Administrator shall have the power and authority to suspend for a length of time not exceeding thirty (30) days any retail Package Store Permit, Wine-Only Package Store Permit, or Medicinal Permit upon ascertaining that any act constituting a breach of the peace has occurred upon the premises covered by the permit of such retail dealer or under his control, and at the expiration of the date to which such permit has been suspended the Board or Administrator may further suspend or cancel the permit unless it shall have been shown to the satisfaction of the Board or Administrator that the act was beyond the control of the person holding the permit and did not result from improper supervision by the permittee of the conduct of persons permitted by him to be on the licensed premises or premises under his control.

"Section 50. The holder of a Class B Wholesaler's Permit must comply with and shall be amenable to all the provisions of Section 17 (3), Article I, of the Texas Liquor Control Act.

"Section 51. If any person, while holding a permit, shall be finally convicted of a felony, the Board or Administrator may cancel any permits

held by such person upon satisfactory proof of such conviction.

"Section 52. It shall be unlawful for any person whose permit has been suspended by the Board or Administrator to sell, offer to sell, distribute or deliver any liquor during the period of such suspension.

"Section 53. It shall be unlawful for the holder of a brewer's, distiller's, class A winery, class B winery, rectifier's, wholesaler's, class B wholesaler, or wine bottler's permit, directly or indirectly, or through a subsidiary or affiliate, any agent or any employee, or by any officer, director or firm member to own any interest of any kind in the premises of a package store or wine-only package store, or any interest of any kind in the premises in which any such package store or wine-only package store conducts its business.

"Section 54. 'Ale' and 'malt liquor' shall mean a malt beverage containing more than four per cent (4%) of alcohol by weight.

"Section 55. It shall be unlawful for any person to manufacture, import, sell, store, or possess for the purpose of sale imitation wine.

"Section 56. The holder of a Package Store Permit or Wine-Only Package Store Permit may hold also a Local Cartage Permit and may include the application for such Local Cartage Permit in his application for a Package Store Permit or Wine-Only Package Store Permit. The fees for both such permits must be paid and proper bonds made before the issuance or granting thereof.

"Should any holder of a Local Cartage Permit who is also the holder of a Package Store Permit or Wine-Only Package Store Permit be convicted of any violation of the Texas Liquor Control Act, as amended, or any rule or regulation of the Board made pursuant thereto, such final conviction shall constitute grounds for the suspension or cancellation of any or all permits held by such person.

"Section 57. For tax purposes only, distilled spirits contained in a container having attached thereto the Federal Liquor Strip Stamp are hereby subject to taxation, and must have affixed thereto the appropriate Texas Tax Stamp for distilled spirits.

"Section 58. The county clerk of the county in which an application for a license or permit is made shall certify

whether or not the location or address given in the application is in a wet area and whether or not the sale of alcoholic beverages for which the license or permit is sought is prohibited by any valid order of the County Commissioners Court.

"The city secretary or clerk of the city in which an application for a license or permit is made shall certify whether or not the location or address is in a wet area and whether or not the sale of alcoholic beverages for which license or permit is sought is prohibited by charter, ordinance or any amendment thereto.

"Section 59. (a) 'Illicit property' as that term is used herein shall mean and include all personal property, including bars, ice boxes, refrigeration equipment, tables, glassware, silverware, furniture, and all other equipment, whether permanently attached to the building or not, located upon the premises of an open saloon, as the term 'open saloon' is defined in this Act, or used in any way, in any place, building, or structure wherein an open saloon is operated.

"(b) All illicit property is hereby declared to be a common nuisance and shall be forfeited to the State as hereinafter provided. It shall be the duty of the Texas Liquor Control Board, its servants, agents, and employees, highway patrolmen, sheriffs, constables, and peace officers, upon the discovery of any illicit property to file immediately with the Attorney General of Texas or with the County or District Attorney of the county wherein such property is located, a report giving a description of such illicit property, including the ownership, party in possession, the location, and classification thereof.

"(c) When the Attorney General, the County or District Attorney is advised from any source of the presence and existence of illicit property, it shall be his duty to institute a suit in rem against such illicit property and against all persons owning, claiming or in possession thereof, such suit to be brought in the name of the State of Texas in any Court of competent jurisdiction in Travis County or in the county in which such illicit property is located. If it shall appear to the court from an examination of the petition, or after hearing evidence thereon at a preliminary hearing, that the property mentioned

in the petition is illicit property, or that said property is in danger of being removed, damaged, sold, or incumbered, the Court is authorized and required in term-time or in vacation to issue restraining orders or injunctive relief, either mandatory or prohibitive or to appoint a receiver to take charge of such illicit property or to direct the Texas Liquor Control Board or the sheriff of the county in which such illicit property is located, to seize and impound the same until further order of the Court.

"(d) Notice of pendency of such suit shall be served in the manner prescribed by law; either party to said suit may demand a trial by jury on any issue of fact raised by the pleadings and the case shall proceed to trial as other civil cases. If upon trial of such suit, the property in controversy is found to be illicit property then the Court trying said suit shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order directed to the sheriff or any constable of the county where the illicit property is located commanding such officer to seize and sell said property in the same manner as personal property is sold under execution. The Court may order such property sold in whole or in part as may be deemed proper, and the sale shall be conducted at the courthouse door of the county where the property is located and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of any such illicit property shall be allocated as follows: One-half ($\frac{1}{2}$) to the confiscated liquor fund, out of which may be paid the expenses of any proceeding brought under this Section, and one-half ($\frac{1}{2}$) to the credit of the Available School Fund.

"(e) The Officers of said Court shall receive the same fees provided by law for other civil actions. Provided further that the sheriff, or other officer, executing said sale shall issue a bill of sale or certificate to the purchaser of said property and shall put the purchaser of said property in possession thereof."

Sec. VI. Section 17 of Article II, of the Texas Liquor Control Act be amended to read hereafter as follows:

"Section 17. It shall be unlawful for any person to install or maintain any barrier or blind in the openings or doors of any establishment selling

beer at retail, nor shall any windows on said establishment be painted in such a way as to obstruct the view from the general public at or above a height of fifty-four (54) inches above the ground or sidewalk outside and beneath such window."

Section 24-A 2 of Article II of the Texas Liquor Control Act be amended to read hereafter as follows:

"Section 24-A 2. All outdoor advertising as herein defined is hereby prohibited within the State of Texas except as herein expressly provided:

"(a) The use of billboards or electric signs as herein defined having a surface of not less than one hundred eighty (180) square feet is hereby authorized unless located or to be located in a manner contrary to the limitations imposed by this Act.

"(b) The holders of Retailer's Licenses or Permits are authorized to erect or maintain at their respective places of business one sign only containing the words:

"If a Beer Retailer, the word 'Beer.'

"If a Wine and Beer Retailer, the word or words 'Beer,' 'Beer and Wine,' or 'Beer, Wine and Ale.'

"If the holder of a Package Store Permit, the word or words 'Package Store,' 'Liquors,' or 'Wines and Liquors.'

"If the holder of a Wine-Only Package Store Permit, the word 'Wines.'

"Such sign may be placed within or without the place of business so as to be visible to the general public. No such sign shall contain letters of greater height than twelve (12) inches, and no such sign shall contain any wording, insignia or device representative of the brand or name of any alcoholic beverage or the manufacturer of any alcoholic beverage. The Board or Administrator is hereby authorized to expand this provision to the extent of permitting a licensee to erect or maintain one such sign at each entrance or side of a building occupied by a licensee and facing more than one street or highway.

"(c) The use of billboards, electric display signs or other signs to designate the firm name or business of any holder of a permit or license authorizing the manufacture, rectification, bottling or wholesaling of alcoholic beverages, when displayed at the place of business of such person is hereby authorized.

"(d) The use of printed or lithographed advertising material inside a premise where there exists a permit or license to sell alcoholic beverages at retail, when used as part of a temporary window display of alcoholic beverages for sale on the licensed premise, is hereby authorized, provided advertising material so used may not be placed within eighteen (18) inches of any window or opening facing upon a street or highway.

"(e) The use of signs on service or delivery equipment; but the Board shall have power to adopt rules regulating such.

"(f) The Board shall have the power and authority and it is hereby made its duty to adopt rules and regulations governing the use of business cards, menu cards, stationery, and service equipment or delivery equipment bearing advertisement of alcoholic beverages."

Sec. VII. Article II of the Texas Liquor Control Act is hereby amended by the addition of new sections and reading as follows:

"Section 28. It shall be unlawful for any local or general distributor or manufacturer to employ any person under the age of eighteen (18) years to handle, sell, or assist in selling, handling, delivering or distributing any beer.

"Section 29. It shall be unlawful for the holder of any local or General Distributor's License or Manufacturer's License or his or its officers, agents, servants or employees, to knowingly sell or deliver any beer to any person under the age of twenty-one (21) years.

"Section 30. It shall be unlawful for any retailer of beer to purchase, barter, borrow, exchange, or acquire any beer for the purpose of sale from another retail dealer of beer.

"Section 31. It shall be unlawful for any person to ship or cause to be shipped into this State, or to import into this State, or to manufacture and then offer for sale within this State, or to distribute, sell or store within this State any beer, ale, or malt liquor unless and until a sample of such beer, ale, or malt liquor, or a sample of the same type and quality of beer, ale, and malt liquor has been submitted to the Texas Liquor Control Board for the purpose of analysis, and has been found by the Texas Liquor Control Board or its representatives to be in compliance with all rules or regulations of the Board relating to

quality, purity and standards of measure. It shall also be unlawful for any person to import any beer, ale, or malt liquor into this State, or to manufacture and then offer for sale within this State, or to distribute, sell, or store within this State any beer, ale, or malt liquor unless and until the label thereof has been submitted to the Texas Liquor Control Board or its authorized representatives and such label has been approved by the Texas Liquor Control Board or its authorized representatives as being in compliance with all rules or regulations of the Texas Liquor Control Board or any provision of the Act relating to the labeling of beer, ale, or malt liquor. Any beer, ale, or malt liquor so imported into this State in violation of this Section shall be an illicit beverage.

"The Board or Administrator shall have the authority to withdraw approval of any label theretofore approved for any violation of the rules or regulations of the Board or Texas Liquor Control Act relating to the labeling of beer, ale or malt liquor.

"Section 32. No security for cost shall ever be required of any representative of the Texas Liquor Control Board in any matter wherein said representative protests the issuance of a license or a permit in any hearing conducted by the County Judge to determine whether or not a license or permit should be issued.

"Section 33. It shall be grounds for suspension or cancellation of his license or permit for any retail dealer in beer, his agents, servants or employees to knowingly allow or permit anyone under the age of twenty-one (21) years to consume any alcoholic beverage on the licensed premises.

"Section 34. It shall be unlawful for any person whose license has been suspended by the Board or Administrator, to sell, offer to sell, distribute or deliver any beer during such period of suspension.

"Section 35. It shall be unlawful for any person licensed to sell beer at retail, or his or its officers, agents, servants or employees, to deliver beer at any time during which the sale thereof is prohibited in Section 10 of Article II, of the Texas Liquor Control Act.

"Section 36. It shall be unlawful for any person holding a license or permit under Articles I or II of this Act, his or its officers, agents, servants or employees. directly or indi-

rectly, to be interested in, connected with, or be a party to a consignment sale as defined in the Texas Liquor Control Act.

"Section 37. It shall be unlawful for any retail dealer in beer to own any interest in the business of any distributor of beer or any interest of any kind in the premises in which any such distributor conducts his or its business.

"Section 3. (c). 1. No General Distributor's License, Local Distributor's License, or Branch Distributor's License applied for under the terms of this Act shall be issued to any person upon application either for an original license or for any license sought to be transferred from another location when the premises for which a license is sought is licensed under a Package Store Permit, or a Wine-Only Package Store Permit."

Sec. VIII. The repeal or amendment of any Section or any portion of a Section of the Texas Liquor Control Act by the enactment of this Act shall not affect or impair any Act done, or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such repeal or amendment shall take effect; but every such Act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents as if such Section, or part thereof, so repealed or amended had remained in force, except that where the course of practice or procedure for enforcement of such right, or the conducting of such proceeding, suit, or prosecution shall be changed, the same shall be conducted as near as may be in accordance with this Act. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any Section or part thereof shall be repealed or amended by this Act shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if prior statute, or part thereof, had not been repealed or amended, except that where the mode of procedure or matters of practice have been changed by this Act, the procedure had after this Act shall have taken effect in such prosecution or suit shall be, as far as practicable, in accordance with this Act.

Sec. IX. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the Courts to be unconstitutional or invalid for any reason, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. X. All laws and parts of laws in conflict herewith are hereby expressly repealed, to the extent of such conflict only.

Sec. XI. Wherever in this Act the words "Texas Liquor Control Act" are used, such shall mean the Texas Liquor Control Act as originally enacted in Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature and as amended thereafter by any Act or laws of the Legislature of the State of Texas, and as specifically amended (though this shall not exclude any other amendatory Acts) by Chapter 495, being House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature; and by Chapter 32, being House Bill No. 432, Acts of the Regular Session of the Forty-fifth Legislature; and by Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature; and by Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; and by Chapter 148, being House Bill No. 8, Acts of the Regular Session of the Forty-seventh Legislature; and by Chapter 298, being House Bill No. 373, Acts of the Regular Session of the Forty-seventh Legislature; and by Chapter 427, being Senate Bill No. 414, Acts of the Regular Session of the Forty-seventh Legislature; and by Chapter 221, being House Bill No. 8, Acts of the Regular Session of the Forty-eighth Legislature; and by Chapter 325, being Senate Bill No. 117, Acts of the Regular Session of the Forty-eighth Legislature; and by Chapter 95, being Senate Bill No. 90, Acts of the Regular Session of the Forty-ninth Legislature.

Sec. XII. The fact that the present law is inadequate to deal with many phases of liquor control, and the further fact that there exist some conditions requiring immediate correction in the public interest, create an emergency and an imperative public necessity that the Constitutional Rule

requiring all bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Senator Winfield moved that the report be adopted.

Senator Morris moved to table the motion to adopt the report.

(President in the Chair.)

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Aikin	Lane
Bullock	Moffett
Carney	Morris
Chadick	Proffer
Hardeman	Stewart
Jones	Weinert
Knight	

Nays—17

Brown	Ramsey
Cousins	Stanford
Crawford	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Parrish	York
Phillips	

Question recurring on the motion of Senator Winfield to adopt the report, yeas and nays were demanded.

The report was adopted by the following vote:

Yeas—16

Brown	Stanford
Cousins	Stewart
Crawford	Strauss
Harris	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Phillips	Winfield
Ramsey	York

Nays—14

Aikin	Knight
Bullock	Lane
Carney	Moffett
Chadick	Morris
Hardeman	Parrish
Hazlewood	Proffer
Jones	Weinert

Message from the Governor

The following message received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 4, 1947.

To the Senate of the Fiftieth

Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Pilot Commissioners for Sabine Bar, Pass and Tributaries for two-year terms to expire June 15, 1949:

Neal Rader of Port Arthur, Jefferson County;

Mack A. Pond, Port Arthur, Jefferson County;

James Neff of Orange, Orange County;

T. T. Hunt of Beaumont, Jefferson County;

A. M. Phelan of Beaumont, Jefferson County.

Respectfully submitted,

BEAUFORD H. JESTER.

Governor of Texas.

Message from the House

Hall of the House of Representatives,
Austin, Texas,

June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

The House has concurred in Senate amendments to House Bill No. 543 by a viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 321 by a vote of 103 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 155 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 210 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 237 by a viva voce vote.

The House has concurred in Senate

amendments to House Bill No. 455 by a vote of 102 yeas, 8 noes.

The House has concurred in Senate amendments to House Bill No. 61 by a vote of 89 yeas, 17 noes.

The House has concurred in Senate amendments to House Bill No. 11 by a vote of 86 yeas, 18 noes.

The House has concurred in Senate amendments to H. J. R. No. 30 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to House Bill No. 695 by a vote of 105 yeas, 7 noes.

The House has concurred in Senate amendments to House Bill No. 187 by a viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 528 by a vote of 109 yeas, 0 noes.

The House has adopted the Conference Committee Report on H. J. R. No. 7 by a vote of 111 yeas, 0 noes.

The House has concurred in Senate amendments to House Bill No. 384 by a vote of 84 yeas, 29 noes.

The House has adopted the Conference Committee Report on House Bill No. 727 by a vote of 61 yeas, 54 noes.

H. C. R. No. 198, Suspending the Joint Rules so that House Joint Resolution 3 or House Joint Resolution 26 may be considered.

H. C. R. No. 188, Suspending the Joint Rules of both Houses so that the House may take up House Bills 890 and 891.

H. C. R. No. 185, Suspending the Joint Rules, for consideration of S. B.'s Nos. 376, 430 and 200.

H. C. R. No. 189, Suspending the Joint Rules of both Houses so that the House may consider Senate Bill No. 440 during the last twenty-four (24) hours of the Session.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Executive Session

On motion of Senator Brown, and

by unanimous consent, the Senate agreed to go into executive session at 4:45 o'clock p. m.

At the conclusion of the executive session the Secretary informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be a member of the Texas Prison Board to fill the unexpired term of Claude K. McCan of Victoria, resigned, term to expire February 2, 1951:

Henry G. Womble of Caldwell, Burleson County.

To be Pilot Commissioners for Sabine Bar, Pass and Tributaries for two-year terms to expire June 15, 1949:

Neal Rader of Port Arthur, Jefferson County;

Mack A. Pond, Port Arthur, Jefferson County;

James Neff of Orange, Orange County;

T. T. Hunt of Beaumont, Jefferson County;

A. N. Phelan of Beaumont, Jefferson County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 6:00 o'clock p. m.

At Ease

At 6:15 o'clock p. m., the Senate agreed to stand at ease subject to the call of the Chair.

Senator Weinert called the Senate to order at 6:20 o'clock p. m.

House Concurrent Resolution 199

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 199, Recalling S. B. No. 428 from the Governor's office.

The resolution was read and was adopted.

House Concurrent Resolution 188

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended

to take up for consideration at this time:

H. C. R. No. 188, Suspending the Joint Rules of both Houses to consider House Bills Nos. 890 and 891.

The resolution was read and was adopted.

House Concurrent Resolution 189

On motion of Senator Crawford, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 189, Suspending Joint Rules to permit the House to consider S. B. No. 440.

The resolution was read and was adopted.

House Concurrent Resolution 198

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 198, Suspending the Joint Rules to consider H. J. R. No. 3, or H. J. R. No. 26.

The resolution was read and was adopted.

House Concurrent Resolution 180

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 180, Suspending the Joint Rules to consider H. B. No. 18.

The resolution was read and was adopted.

House Concurrent Resolution 185

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 185, Suspending the Joint Rules to consider Senate Bills Nos. 376, 430 and 200.

The resolution was read and was adopted.

House Concurrent Resolution 181

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 181, Authorizing the Enrolling Clerk to amend the caption of H. B. No. 738.

The resolution was read and was adopted.

Senate Concurrent Resolution 58

Senator Kelly of Tarrant offered the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, That the Twenty-four Hour Joint Rule be, and the same is hereby suspended, so that the House of Representatives may take up and consider Senate Bill No. 426.

The resolution was read.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 59

Senator Moffett offered the following resolution:

S. C. R. No. 59, Suspending the twenty-four hour rule to consider S. B. No. 406.

Be it resolved by the Senate, the House of Representatives concurring, That the 24-hour joint rule of the Senate and the House of Representatives be and the same is hereby suspended for the purpose of allowing the consideration of Senate Bill No. 406.

The resolution was read.

Senator Moffett asked unanimous consent to consider the resolution immediately.

The President announced that there was objection.

Senator Moffett then moved to consider the resolution immediately.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Crawford	Stanford
Hardeman	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	Weinert

Nays—3

Kelly of Tarrant	York
Knight	

Absent

Carney	Ramsey
Cousins	Stewart
Harris	Winfield
Proffer	

The resolution was then adopted.

House Concurrent Resolution 170

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 170, Suspending the Joint Rules to permit the Senate to consider H. B. No. 870.

The resolution was read and was adopted.

House Concurrent Resolution 182

On motion of Senator Harris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 182, Suspending the Joint Rules to consider House Bills Nos. 556, 805, 869, 871, and 883 at any time.

The resolution was read and was adopted.

House Concurrent Resolution 184

Senator Chadick moved to suspend the regular order of business to take up H. C. R. No. 184 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Bullock
Brown	Chadick

Crawford	Moffett
Hardeman	Morris
Harris	Parrish
Hazlewood	Phillips
Jones	Proffer
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York

Nays—3

Stanford	Weinert
Taylor	

Absent

Carney	Stewart
Cousins	Strauss
Ramsey	

The President then laid before the Senate for consideration at this time:

H. C. R. No. 184, Suspending Joint Rules so that H. B. No. 42 may be considered at any time.

The resolution was read and was adopted.

New Members of Conference Committee on House Bill 807

The President announced the appointment of Senators Knight and Hardeman to the Conference Committee on House Bill No. 807, in lieu of Senators Lane and Chadick, resigned.

New Member of Conference Committee on House Bill 278

The President announced the appointment of Senator Brown to the Conference Committee on H. B. No. 278, in lieu of Senator Morris, resigned.

House Bill 888 on Final Passage

Senator Aikin moved to reconsider the vote by which H. B. No. 888 was finally passed.

The motion to reconsider prevailed by the following vote:

Yeas—25

Aikin	Kelley of Hidalgo
Brown	Kelly of Tarrant
Bullock	Knight
Chadick	Lane
Crawford	Moffett
Hardeman	Morris
Harris	Parrish
Hazlewood	Phillips
Jones	Proffer

Stanford	Weinert
Taylor	Winfield
Tynan	York
Vick	

Absent

Carney	Stewart
Cousins	Strauss
Ramsey	

The President then laid H. B. No. 888 before the Senate on its final passage.

Question—Shall the bill be passed?

Senator Aikin offered the following amendment to the bill:

Amend House Bill No. 888 by striking out all of Section 1-A and insert in lieu thereof

"any district in the State composed of one original district containing 175 square miles of territory or more shall be entitled to receive aid under the provisions of the act when need thereof can be shown and such district has an incorporated city or town of not less than 3,700 inhabitants, nor more than 4,000 inhabitants according to the last preceding Federal Census, and whose enrollment is composed of scholastics, (30%) of which reside outside of said incorporated city or town."

The amendment was adopted by the following vote:

Yeas—25

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent

Carney	Stewart
Cousins	Strauss
Ramsey	

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was then passed.

Report of Conference Committee on House Bill 831

Senator Chadick called for consideration at this time the report of the Conference Committee on House Bill No. 831.

Question recurring on the report, it was adopted by the following vote:

Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent

Carney	Ramsey
Cousins	Stewart

Report of Conference Committee on House Bill 528

Senator Bullock submitted the following report:

Austin, Texas,
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 528, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

PARRISH
BULLOCK
PROFFER
KNIGHT
HARDEMAN

On the Part of the Senate.

BLOUNT
CLIFTON
WAGONSELLER
LOCK
SPENCER

On the Part of the House.

H. B. No. 528

A BILL

To Be Entitled

An Act amending Article 2843, Revised Civil Statutes, 1925, as amended by House Bill No. 312, Acts of the Forty-seventh Legislature, 1941, Regular Session, providing for the adoption of textbooks for use in the public schools of the State; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts hereof; and declaring an emergency.

Be It Enacted by the Legislature of The State of Texas:

Section 1. Amend Article 2843, Revised Civil Statutes, 1925, as amended by House Bill No. 312, Acts of the Forty-seventh Legislature, 1941, Regular Session so as to read as follows:

"The Textbook Commission authorized by this Act shall have authority to select and adopt a uniform system of textbooks to be used in the public free schools of Texas, and the books so selected and adopted shall be printed in the English language, and shall include and be limited to textbooks on the following subjects: spelling, reading, English language and grammar, geography, arithmetic, physiology-hygiene, civil government, vocal music, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, a system of drawing books, and may also, if deemed necessary, adopt a geography of Texas and a civil government of Texas; provided that none of said books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin, or Greek in any of the public schools.

"Said Textbook Commission shall also adopt a multiple list of books for use in the high schools of the State, said multiple list including not fewer than three (3) nor more than five (5) textbooks on the following subjects: Algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one-year general history, ancient history, modern history, American history, Latin, Spanish, physical geography, economics, vocal music, driver education, commercial law, trigonometry, public

speaking, English composition, history of American literature, history of English literature, physiology, agriculture, and civil government and for each high school branch of study and one or several of the textbooks of said multiple list adopted for that subject may be selected; provided, however, that the several textbooks do not exceed the allowable number equivalent to one textbook for and used in any high school as the textbook or in such a branch in that high school, but when such book or books is or are so chosen by local authorities from the multiple list adopted such book or books shall be continued in that high school for the entire five (5) years of the adoption period. Provided, however, that the multiple list herein provided for shall apply to all high schools classed by the Department of Education as high schools of the first class. For use in all other high schools a uniform system of textbooks on each subject mentioned shall be selected by the commission; provided, that in any city or independent school district having more than one high school of the first class said city or independent school district shall adopt from said multiple list for use in each of said high schools of the same books and shall use said books so adopted for a period of not less than five (5) years.

"Specific rules as to the manner of the selection of books by the high school shall be made by the State Textbook Commission.

"The commission, as herein provided for, shall adopt textbooks in accordance with the provisions of this Act for every public free school in this State and no public free school in this State shall use any textbook unless same has been previously adopted and approved by this commission; and the commission shall prescribe rules under which all textbooks adopted and approved shall be introduced or used by or in the public schools of the State.

"In the event as many as three suitable texts are not offered for adoption on any one subject, the commission may select fewer than three (3) texts.

"Existing contracts shall not be affected by any adoptions made under this Act."

Section 2. All laws, or parts of laws, both general and special, in conflict with any of the provisions of

this Act are hereby repealed insofar as and to the extent that such laws conflict with any of the provisions of this Act.

Section 3. In the event any sentence, paragraph, section or other part of this Act be held unconstitutional or void, it is hereby declared to be the legislative intent that all other parts of this Act shall notwithstanding such holding have full force and effect according to their purpose and intent.

Section 4. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Bill 313 with House Amendments

Senator Phillips called S. B. No. 313 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Phillips, the Senate concurred in the House amendments.

Report of Conference Committee on House Bill 521

Senator Kelley of Hidalgo called for consideration at this time, the report of the Conference Committee on H. B. No. 521.

Question recurring on the report, it was adopted by the following vote:

Yeas—25

Aikin	Kelley of Hidalgo
Brown	Kelly of Tarrant
Bullock	Knight
Chadick	Lane
Crawford	Moffett
Hardeman	Morris
Harris	Parrish
Hazlewood	Phillips
Jones	Proffer

Stanford
Strauss
Taylor
Tynan

Vick
Winfield
York

Absent

Carney
Cousins
Ramsey

Stewart
Weinert

Report of Conference Committee on Senate Bill 341

Senator Proffer called for consideration at this time the report of the Conference Committee on S. B. No. 341.

Question recurring on the report, it was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 362, A bill to be entitled "An Act to clarify and amend the laws of Texas relating to dentistry by amending Article 4550-a of the Revised Civil Statutes of Texas, 1925, as amended by Section 3, Senate Bill No. 278, Acts 1943, Pages 576, 580, Chapter 340, 48th Legislature, Regular Session, 1943; providing for possible legal construction and declaring the legislative intent with respect to this Act; providing fees and penalties and repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act to amend Section 1, Subsection n, Chapter 88, Second Called Session, Acts of the 41st Legislature, 1929, as amended by Section 1, Chapter 23, Acts 1930, 41st Legislature, 5th Called Session, to define Motor Bus; providing a saving clause; and repealing all laws in conflict herewith."

H. B. No. 853, A bill to be entitled "An Act applicable to any city having a charter adopted or amended by a vote of the people with power to levy an ad valorem tax of \$2.50 on the one hundred dollars of assessed valuation which city has outstanding tax supported indebtedness equal to 15% or more of its assessed valuation, and has outstanding waterworks revenue bonds which will become optional within two years

after passage of an ordinance authorizing additional bonds as herein provided; etc., and declaring an emergency."

H. B. No. 459, A bill to be entitled "An Act to amend Acts 1939, 46th Legislature, Page 242, making it unlawful to wilfully or negligently set certain fires; providing penalties; repealing all laws and parts of laws in conflict herewith; providing a savings clause; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act continuing the Good Neighbor Commission of Texas and creating same as a permanent State Commission; prescribing certain powers and duties for said permanent State Commission; appropriating funds for its expenses during the 1947-1949 biennium; providing for transportation facilities for the Commission and for its Executive Secretary; and declaring an emergency."

H. B. No. 784, A bill to be entitled "An Act making an appropriation to pay the unpaid balance of the court costs in Cause No. 20,707-B, State of Texas vs. Alberto Balli, et al., in the 117th District Court of Nueces County, Texas; and declaring an emergency."

H. B. No. 631, Amending Acts, 1935, Forty-fourth Legislature, Second Called Session, Chapter 465, as amended, now appearing as Article 3912e, Section 19, subsections (d) and (h), Revised Civil Statutes of Texas, 1925, as amended allowing additional compensation for certain District and County Officers; allowing additional compensation for Deputies, Assistants, and Clerks of certain District, County, and Precinct Officers; providing for budget amendment; providing that this Act shall be cumulative of all existing laws not in conflict herewith; and declaring an emergency.

H. B. No. 580, A bill to be entitled "An Act to authorize the Harris County Flood Control District to take possession of property in eminent domain proceedings upon deposit with the County Clerk of the amount awarded to the owner or owners, providing that an appeal from the award of the Commissioners in condemnation proceedings shall not have the effect of causing any suspension of work; and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act to amend Paragraph 1 of Section 3, House Bill No. 565, Acts of 1939, 46th Legislature relating to the matter of parties and the issuance and service of process in tax suits; providing for issuance and service of process on residents and non-residents and for notice to unknown owners; repealing all laws in conflict; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act amending Section 8 of Subdivision 28 of Article 199, Revised Civil Statutes of the State of Texas, Revision of 1925, Acts 1925, page 244, 39th Legislature, Chapter 79, Section 1, as amended Acts 1927, 40th Legislature, page 89, Chapter 64, Section 1, amending Section 3 of Subdivision 117 of Article 199, Revised Civil Statutes of the State of Texas, Revision of 1925, as adopted and amended by the Acts of 1930, 41st Legislature, 5th C. S., page 224, Chapter 69, amending Section 3 of Subdivision 94 of Article 199, Revised Civil Statutes of the State of Texas, Revision of 1925, as amended Acts 1941, 47th Legislature, page 104, Chapter 84, as amended Acts 1945, 49th Legislature, page 45, Chapter 28, Section 1; establishing among other things the terms of the District Courts for the 28th Judicial District, 117th Judicial District and 94th Judicial District; providing for the administration of the business of said Courts, providing for the election of special judges in the case of absence, sickness or inability of the regular judges to act and preside in the District Courts of Nueces County, etc., and declaring an emergency."

H. B. No. 250, A bill to be entitled "An Act to amend Article 5441 of the Revised Civil Statutes of Texas by adding Article 5441a to authorize the Texas Library and Historical Commission to establish and maintain in the State Library a records administration division which shall manage all public records of the state with the consent and cooperation of the various state departments and institutions, and which shall also conduct a photographic laboratory, providing qualifications of assistant in charge of such division, defining certain terms, permitting destruction of certain public records, providing for photographic reproductions of public records of state departments

and institutions, establishing standards and rates of charge for photographic reproductions; to amend Article 5439 of the Revised Civil Statutes of Texas, 1925, by adding Article 5439a to provide for designation of photographic reproductions of public records as original records, authorizing transfer of replaced public records to State Librarian and for further transfer or destruction, and providing for certified copies of certain designated original records; declaring provisions of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act fixing the compensation and expense allowance for Grand Jury Bailiffs in certain counties; designating the funds from which such compensation may be paid; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act limiting the number of fish of all kinds to be taken or caught on any one day from Devils River, or the lakes situated thereon in Val Verde County, and limiting the possession of fish taken or caught therefrom; providing a penalty for violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or mourning doves for a period of three (3) years in Kent County, Texas, fixing penalty; providing a rule of evidence; and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act to amend Section 2 of Article 1 of Senate Bill No. 167, Acts of the 49th Legislature, 1945; relating to the State Equalization Law; and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act appropriating fees and unexpended balances that have accrued or that may accrue during the fiscal year ending August 31, 1947, by virtue of Article 133, Chapter 7, Revised Civil Statutes, 1925; Article 5764, Revised Civil Statutes, 1925; Article 5695, Revised Civil Statutes, 1925; and Chapter 287, Regular Session, 42nd Legislature; Chapter 551, Section 10, House Bill 420, Regular Session, 47th

Legislature; Article 56-67 inclusive, Revised Civil Statutes, 1925, and Chapter 93, Acts First Called Session, 41st Legislature and any and all amendments; House Bill 99 and House Bill 557, Acts Regular Session, 45th Legislature, and as amended by Senate Bill 24, First Called Session, 45th Legislature, and House Bill 500, Acts Regular Session, 42nd Legislature, and House Bill 888, Regular Session, 45th Legislature; House Bill 623, Regular Session, 43rd Legislature, and as amended, and any amendments to any of said Acts, to the Department of Agriculture to be used in the enforcement of said Acts, including traveling expenses, the purchase of necessary equipment; and declaring an emergency."

H. B. No. 550, A bill to be entitled "An Act to amend an Act entitled 'an Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precincts Numbers 1, 2 and 4 as described in the minutes of the Commissioners' Court of said County, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, Pages 102 and 105 (Senate Bill No. 54) by donating and appropriating to said districts all the State ad valorem taxes levied and collected in said districts for general State purposes on all property, both real and personal in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions and declaring an emergency,' by amending Section 2 and Section 6 to authorize the use of such donated taxes in repairing, improving and extending levees and protections constructed with proceeds of such bonds, repealing Section 5 thereof; and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act to amend Articles 968, 969, 970, 971, and 1053, Code of Criminal Procedure of the State of Texas, 1925, providing for inquests and pro-

cedure and fees in connection therewith; containing provisions regarding the cremation of bodies, making it unlawful to violate such provisions, and fixing penalties for such violations; amending Section 1, H. B. 613, page 343, General Laws, Regular Session, 46th Legislature, 1939; providing that physicians who perform autopsies under invalid orders of a Justice of the Peace in the good faith belief that such orders are valid shall not be liable therefor; providing that if any section, part of a section or provision of this Act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Act; and declaring an emergency."

H. B. No. 346, A bill to be entitled "An Act to validate the acts of governing bodies of all cities and towns in this State having a population of not more than twelve hundred (1200) according to the last Federal Census in levying taxes, making assessments and valuations of property for city tax purposes; validating all budget hearings and rates of taxes set; approving all notices and orders issued in connection with the assessment, levying and collecting of taxes; and declaring an emergency."

H. B. No. 307, A bill to be entitled "An Act amending Article 923h, Penal Code, 1925, and Article 884, Penal Code, 1925, to permit the sale of deer hides, repealing all conflicting laws or parts of laws and declaring an emergency."

H. B. No. 555, A bill to be entitled "An Act authorizing Commissioners of drainage districts to join with any governmental agency, county or political subdivision, any city, town, or railroad company, or any other person, corporation, or association, in constructing and maintaining drainage improvements and to pay their portion of the costs thereof; authorizing Commissioners of drainage districts to purchase necessary supplies and equipment and operate same for the maintenance, enlargement, extension, or improvement of the drainage systems; providing where the costs of supplies and equipment do not exceed \$150.00 it is not necessary to take bids; providing the method of certifying the indebtedness incurred for payment; etc., and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act making an emergency appropriation to the State Board of Hairdressers and Cosmetologists; and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act amending Article 827b of the Penal Code, as amended by Acts 1931, 42nd Legislature, Chapter 27, as amended by Acts 1933, First Called Session, 43rd Legislature, Chapter 56, Section 1, as amended by Acts 1935, 44th Legislature, Chapter 342, Section 1, to omit that portion of this Article providing for the issuance of temporary registration of passenger cars owned by non-residents of Texas; redefining "non-resident"; providing a saving clause; and repealing all other laws in conflict herewith."

H. B. No. 37, A bill to be entitled "An Act amending Section 10 of Article 46A, Vernon's Texas Civil Statutes; permitting the State Department of Public Welfare to have access to information on adoptions as reported to the Bureau of Vital Statistics, State Department of Health; providing for certain additional information, and providing for the safeguarding of the confidential nature of adoption records; repealing clause; saving clause; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act to provide whenever any grand jury shall make known to the district judge of any county that the books and records of any county officer should be audited, it shall be the duty of such district judge to appoint an auditor to audit such records and books; providing for the audit of such auditor and for the auditor's report; giving such auditor authority to summons witnesses and to have other legal process; fixing such auditor's compensation; and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act creating a special road law for Haskell County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of January 1, 1947, setting forth the method of operation; etc., and declaring an emergency."

H. B. No. 665, A bill to be entitled "An Act authorizing the State of Tex-

as and any of its designated agents or agencies with responsibility and authority for public education, such as the common and independent school boards, and boards of regents of State colleges and universities, the county school boards, or any other agency of and within the State by which a person may be employed in public education to make group insurance contracts effecting life, health, accident, accidental death and dismemberment and hospital, surgical and medical expense insurance upon their employees and their dependents; providing for the payment of the cost thereof; providing for the making of payroll deductions and keeping of records; and containing a saving clause with respect to constitutional invalidity; and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act to amend Article 6954, Revised Civil Statutes, 1925, as amended, the last amendment being Acts, 1943, 48th Legislature, page 393, Chapter 265, by adding Angelina County to the list of counties named therein so as to permit certain counties by an election of the freeholders thereof to have a stock law in such counties, or in subdivisions thereof; and declaring an emergency."

H. B. No. 844, A bill to be entitled "An Act to reorganize the Forty-third Judicial District of the State of Texas; providing for holding the District Courts and terms in said Judicial District; providing that the Judge of the Court may hold as many sessions of the Court in any term of the Court in any county as is deemed proper and expedient; etc., and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1945, 49th Legislature, page 282, Chapter 205, as amended by House Bill 51, Acts of the 50th Legislature, Regular Session, so as to provide for juvenile officers in counties having a population of Eighty Thousand (80,000) and less than One Hundred and Fifty Thousand (150,000); providing for their selection, compensation, and expenses; providing for their assistants, and selection, compensation, and expenses of such assistants; providing all things neces-

sary and incident to the main purpose of this Act; providing a repealing clause, a saving clause; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act to amend Article 1434, Chapter 8, Title 17, of the Penal Code of Texas, 1925, as amended by Chapter 77, Acts of the First Called Session of the 40th Legislature, as amended by Chapter 29, Section 1, Acts of the 42nd Legislature, Regular Session, 1931, to provide for the delivery to a transferee at the time of delivery of a second-hand or used vehicle a properly assigned Certificate of Title; etc., and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act concerning Burial Associations and amending S. B. 135, being Chapter 6 of the Acts of the 46th Legislature (being Chapter 22 of Vernon's Revised Civil Statutes of Texas); increasing the amount of benefits which may be paid by Burial Associations; creating a Burial Association Rate Board, providing for their appointment, compensation, and term of office, giving such Board authority to make and promulgate rates schedules to be charged by Burial Associations and requiring all Burial Association rates to be within the limits fixed by said Board; making it unlawful for any person, officer, agent, or employee of a Burial Association to charge, receive or collect any premium or assessment other than the legal one, and fixing a penalty for a violation of such provision; levying an annual fee upon Burial Associations to defray the expenses of said Board, etc., and appropriating the same for that purpose; making it unlawful for there to be any connection between two or more Burial Associations; making the provisions of this Act severable and making this Act cumulative of existing laws not in conflict herewith and repealing all laws directly in conflict; giving the Board of Insurance Commissioners of Texas power to promulgate and enforce rules and regulations, to carry out the spirit and intent of this Act, and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act making an emergency appropriation to the State Treasurer of Eighteen Hundred Dollars (\$1,800.00)

out of any moneys in the State Treasury, not otherwise appropriated, for the remainder of the fiscal year ending August 31, 1947, for the purpose of paying express charges on shipments of tax stamps; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act making an emergency appropriation for the State Board of Control for the balance of the fiscal year ending August 31, 1947, being an appropriation available immediately; and declaring an emergency."

S. B. No. 51, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said Article 1302 a new subdivision providing that corporations may be formed for the protection and advancement of the professional interests of persons licensed to practice law, the advancement of justice and the science of jurisprudence, the encouragement of cordial intercourse among lawyers, and the improvement of the relations between the Bench and Bar and the public with power to provide and maintain suitable buildings for the conduct of their activities; to acquire, preserve and maintain law libraries and periodicals of ethics and standards of conduct governing the members of such associations; etc., and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act regulating traffic or travel upon the highways of the State of Texas; prescribing penalties for the violation of the provisions of this Act; containing a savings clause; and declaring an emergency."

S. B. No. 428, A bill to be entitled "An Act adopting 'Central Standard Time' as standard time in this State, and declaring an emergency."

S. B. No. 410, "An Act authorizing Roy Parchman and wife, Dovie Parchman, to sue the State of Texas, etc., and declaring an emergency."

H. C. R. No. 166, Authorizing the Enrolling Clerk to show House Bill No. 85 passed subject to the provisions of Sec. 49a of Art. III of the Constitution.

H. C. R. No. 168, Suspending the Joint Rules to consider House Bill No. 870.

H. C. R. No. 163, Commending Texas Centennial of Statehood Commission for the manner in which it conducted the State-wide observance of Texas Centennial.

H. C. R. No. 173, Suspending Joint Rules to consider any bill.

H. C. R. No. 165, Providing for sine die adjournment.

S. J. R. No. 2, Proposing an amendment to Section 28, of Article III, of the Constitution of the State of Texas, so as to provide for a Board, for apportioning the State into senatorial districts and representative districts etc., and declaring an emergency.

H. J. R. No. 39, Proposing an amendment to Article 5 of the Constitution of the State of Texas authorizing the Legislature to provide for retirement of District and Appellate Judges of this State on account of age or disability and for compensation of such retired judges, and providing the Supreme Court may assign retired judges to active duty where and when needed, providing for the submission of the amendment to the voters of this State; and providing for the necessary proclamation.

S. C. R. No. 55, Suspending the Joint Rules to permit the Senate to consider House Bills Nos. 787, 754 and 210, etc.

H. C. R. No. 137, Authorizing D. C. Heath and Company, et al., to sue the State.

Recess

On motion of Senator Aikin, the Senate, at 6:55 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

SEVENTY-NINTH DAY Continued

(Friday, June 6, 1947, Legislative Day of Thursday, June 5, 1947 Continued.)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

House Joint Resolution 3 on Passage to Third Reading

Senator Moffett called from the

table the motion made by Senator Jones on Thursday, March 27, 1947, to re-consider the vote by which H. J. R. No. 3 failed to pass to third reading.

The motion to reconsider prevailed.

The President then laid before the Senate on its passage to third reading:

H. J. R. No. 3, Proposing an amendment to the Constitution of the State of Texas increasing the compensation of Members of the Legislature; providing for the necessary proclamation of the Governor; and making an appropriation.

The resolution having been read second time on Wednesday, March 26, 1947.

Question—Shall the resolution be passed to third reading?

Senator Weinert offered the following amendment to the resolution:

"Amend H. J. R. No. 3 by striking therefrom all of Sec. 1a."

The amendment was adopted.

H. J. R. No. 3 was passed to third reading by the following vote:

Yeas—21

Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Harris	Stewart
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	York
Moffett	

Nays—7

Aikin	Taylor
Hardeman	Weinert
Jones	Winfield
Knight	

Absent

Carney	Ramsey
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House Joint Resolution 3 on Third Reading

Senator Moffett then moved to suspend Senate Rule 45 requiring Joint Resolutions to be read on three several days to place H. J. R. No. 3 on its third reading and final passage.